

UNITED STATES INTERNATIONAL COMMUNICATIONS REFORM ACT OF 2014

JULY 18, 2014.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. ROYCE, from the Committee on Foreign Affairs,
submitted the following

R E P O R T

[To accompany H.R. 4490]

[Including cost estimate of the Congressional Budget Office]

The Committee on Foreign Affairs, to whom was referred the bill
(H.R. 4490) to enhance the missions, objectives, and effectiveness
of United States international communications, and for other pur-
poses, having considered the same, report favorably thereon with
an amendment and recommend that the bill as amended do pass.

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THE AMENDMENT

The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “United States International Communications Reform Act of 2014”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; Table of contents.
- Sec. 2. Findings and declarations.
- Sec. 3. Purposes.
- Sec. 4. Definitions.
- Sec. 5. Broadcasting standards.
- Sec. 6. Eligible broadcast areas.

**TITLE I—ESTABLISHMENT, ORGANIZATION, AND MANAGEMENT OF THE UNITED STATES
INTERNATIONAL COMMUNICATIONS AGENCY**

Subtitle A—Establishment of the United States International Communications Agency

- Sec. 101. Existence within the executive branch.
- Sec. 102. Establishment of the Board of the United States International Communications Agency.
- Sec. 103. Authorities and duties of the Board of the United States International Communications Agency.
- Sec. 104. Establishment of the Chief Executive Officer of the United States International Communications Agency.
- Sec. 105. Authorities and duties of the Chief Executive Officer of the United States International Communications Agency.
- Sec. 106. Role of the Secretary of State.
- Sec. 107. Role of the Inspector General.
- Sec. 108. Enhanced coordination between United States International Communications Agency and the Freedom News Network; Program content sharing; Grantee independence.
- Sec. 109. Enhanced coordination among the United States International Communications Agency, the Freedom News Network, and the Department of State; Freedom News Network independence.
- Sec. 110. Grants to the Freedom News Network.
- Sec. 111. Other personnel and compensation limitations.
- Sec. 112. Reporting requirements of the United States International Communications Agency.

Subtitle B—The Voice of America

- Sec. 121. Sense of Congress.
- Sec. 122. Principles of the Voice of America.
- Sec. 123. Duties and responsibilities of the Voice of America.
- Sec. 124. Limitation on Voice of America news, programming, and content; Exception for broadcasting to Cuba.
- Sec. 125. Director of Voice of America.

Subtitle C—General Provisions

- Sec. 131. Federal agency coordination in support of United States public diplomacy.
- Sec. 132. Federal agency assistance and coordination with the United States International Communications Agency and the Freedom News Network during international broadcast surges.
- Sec. 133. Freedom News Network right of first refusal in instances of Federal disposal of radio or television broadcast transmission facilities or equipment.
- Sec. 134. Repeal of the United States International Broadcasting Act of 1994.
- Sec. 135. Effective date.

TITLE II—THE FREEDOM NEWS NETWORK

- Sec. 201. Sense of Congress.

Subtitle A—Consolidation of Existing Grantee Organizations

- Sec. 211. Formation of the Freedom News Network from existing grantees.
- Sec. 212. Mission of the Freedom News Network.
- Sec. 213. Standards and principles of the Freedom News Network.

Subtitle B—Organization of the Freedom News Network

- Sec. 221. Governance of the Freedom News Network.
- Sec. 222. Budget of the Freedom News Network.
- Sec. 223. Assistance from other Government agencies.
- Sec. 224. Reports by the Office of the Inspector General of the Department of State; Audits by GAO.
- Sec. 225. Amendments to the United States Information and Educational Exchange Act of 1948.

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. Preservation of United States national security objectives.

SEC. 2. FINDINGS AND DECLARATIONS.

Congress finds and declares the following:

(1) United States international broadcasting exists to advance the United States’ interests and values by presenting accurate, objective, and comprehensive news and information, which is the foundation for democratic governance, to societies that lack a free media.

(2) Article 19 of the Universal Declaration of Human Rights states that “[e]veryone has the right to freedom of opinion and expression”, and that “this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

(3) Secretary of State Hillary Clinton testified before the Committee on Foreign Affairs of the House of Representatives on January 23, 2013, that the Broadcasting Board of Governors (BBG) “is practically a defunct agency in

terms of its capacity to be able to tell a message around the world. So we're abdicating the ideological arena and need to get back into it."

(4) The BBG, which was created by Congress to oversee the United States' international broadcasting in the wake of the Cold War, has, because of structural and managerial issues, had limited success to date in both coordinating the various components of the international broadcasting framework and managing the day-to-day operations of the Federal components of the international broadcasting framework.

(5) The lack of regular attendance by board members and a periodic inability to form a quorum have plagued the BBG and, as a result, it has been functionally incapable of running the agency.

(6) The board of governors has only achieved the full slate of all nine governors for seven of its 17 years of existence, which highlights the difficulties of confirming and retaining governors under the current structure.

(7) Both the Department of State's Office of Inspector General and the Government Accountability Office have issued reports which outline a severely dysfunctional organizational structure of the Broadcasting Board of Governors.

(8) The Inspector General of the Department of State concluded in its January 2013 report that dysfunction of the BBG stems from "a flawed legislative structure and acute internal dissension".

(9) The Inspector General of the Department of State also found that the BBG's structure of nine part-time members "cannot effectively supervise all United States Government-supported, civilian international broadcasting", and its involvement in day-to-day operations has impeded normal management functions.

(10) The Government Accountability Office report determined that there was significant overlap among the BBG's languages services, and that the BBG did not systematically consider the financial cost of overlap.

(11) According to the Office of the Inspector General, the BBG's Office of Contracts is not in compliance with the Federal Acquisition Regulation, lacks appropriate contract oversight, and violates the Anti-Deficiency Act. The Office of the Inspector General also determined that the Broadcasting Board of Governors has not adequately performed full and open competitions or price determinations, has entered into hundreds of personal service contracts without statutory authority, and contractors regularly work without valid contracts in place.

(12) The size and make-up of the BBG workforce should be closely examined, given the agency's broader broadcasting and technical mission, as well as changing media technologies.

(13) The BBG should be structured to ensure that more taxpayer dollars are dedicated to the substantive, broadcasting, and information-related elements of the agency's mission.

(14) The lack of a coherent and well defined mission of the Voice of America has led to programming that duplicates the efforts of the Office of Cuba Broadcasting, Radio Free Asia, RFE/RL, Incorporated, and the Middle East Broadcasting Networks, Incorporated that results in inefficient use of tax-payer funding.

(15) The annual survey conducted by the "Partnership for Public Service" consistently ranks the Broadcasting Board of Governors at or near the bottom of all Federal agencies in terms of "overall best places to work" and "the extent to which employees feel their skills and talents are used effectively". The consistency of these low scores point to structural, cultural, and functional problems at the Broadcasting Board of Governors.

(16) The Federal and non-Federal organizations that comprise the United States international broadcasting framework have different, yet complementary, missions that necessitate coordination at all levels of management.

(17) The Broadcasting Board of Governors has an overabundance of senior civil service positions, defined here as full-time employees encumbering GS-14 and GS-15 positions on the General Schedule pay scale.

(18) United States international broadcasting should seek to leverage public-private partnerships, including the licensing of content and the use of technology owned or operated by non-governmental sources, where possible to expand outreach capacity.

(19) Shortwave broadcasting has been an important method of communication that should be utilized in regions as a component of United States international broadcasting where a critical need for the platform exists.

(20) Congressional action is necessary at this time to improve international broadcasting operations, strengthen the United States' public diplomacy efforts, enhance the grantee surrogate broadcasting effort, restore focus to news, pro-

gramming, and content, and maximize the value of Federal and non-Federal resources that are dedicated to public diplomacy and international broadcasting.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

- (1) To provide objective, accurate, credible, and comprehensive news and information to societies that lack freedom of expression and information.
- (2) To improve the efficiency, effectiveness, and flexibility of United States international broadcasting to allow it to adapt to constantly changing political and media environments through clarification of missions, improved coordination, and organizational restructuring.
- (3) To coordinate the complementary efforts of the Department of State and United States international broadcasting.
- (4) To create a United States international broadcasting framework that more effectively leverages the broadcasting tools available and creates specialization of expertise in mission oriented programming, while minimizing waste and inefficiency.
- (5) To improve United States international broadcasting workforce effectiveness, security, and satisfaction.

SEC. 4. DEFINITIONS.

In this Act:

- (1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate.
- (2) **GRANTEE.**—The term “grantee” means the non-Federal organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code as of day before the date of the enactment of this Act that receives Federal funding from the Broadcasting Board of Governors, and includes Radio Free Asia, RFE/RL, Incorporated, and the Middle East Broadcasting Networks, Incorporated.
- (3) **FREEDOM NEWS NETWORK.**—The term “Freedom News Network” refers to the non-Federal organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code that would receive Federal funding and be responsible for promoting democratic freedoms and free media operations for foreign audiences in societies that lack freedom of expression and information, and consisting of the consolidation of the grantee in accordance with section 211.
- (4) **PUBLIC DIPLOMACY.**—The term “public diplomacy” means the effort to achieve broad United States foreign policy goals and objectives, advance national interests, and enhance national security by informing and influencing foreign publics and by expanding and strengthening the relationship between the people and Government of the United States and citizens of other countries.

SEC. 5. BROADCASTING STANDARDS.

United States international broadcasting shall incorporate the following standards into all of its broadcasting efforts:

- (1) Be consistent with the broad foreign policy objectives of the United States.
- (2) Be consistent with the international telecommunications policies and treaty obligations of the United States.
- (3) Not duplicate the activities of private United States broadcasters.
- (4) Be conducted in accordance with the highest professional standards of broadcast journalism while remaining consistent with and supportive of the broad foreign policy objectives of the United States.
- (5) Be based on reliable, research-based information, both quantitative and qualitative, about its potential audience.
- (6) Be designed so as to effectively reach a significant audience.
- (7) Promote freedom of expression, religion, and respect for human rights and human equality.

SEC. 6. ELIGIBLE BROADCAST AREAS.

(a) **IN GENERAL.**—The Board of the United States International Communications Agency and the Board of the Freedom News Network, in consultation with the Secretary of State, shall ensure that United States international broadcasting is conducted only to countries and regions that—

- (1) lack democratic rule, or the indicia of democratic rule, such as demonstrable proof of free and fair elections;
- (2) lack the legal and political environment that allows media organizations and journalists to operate free from government-led or permitted harassment,

intimidation, retribution, and from economic impediments to the development, production, and dissemination of news and related programming and content;

(3) lack established, domestic, and widely accessible media that provide accurate, objective, and comprehensive news and related programming and content; and

(4) by virtue of the criteria described in this subsection, would benefit the national security and related interests of the United States, and the safety and security of United States citizens at home and abroad.

(b) EXCEPTION.—The United States International Communications Agency and the Freedom News Network may broadcast to countries that fall outside of the criteria described in subsection (a) if the Chief Executive Officer of the Agency and the Freedom News Network, in consultation with the Secretary of State, determine it is in the national security interest of the United States, or in the interests of preserving the safety and security of United States citizens at home and abroad, to do so.

TITLE I—ESTABLISHMENT, ORGANIZATION, AND MANAGEMENT OF THE UNITED STATES INTERNATIONAL COMMUNICATIONS AGENCY

Subtitle A—Establishment of the United States International Communications Agency

SEC. 101. EXISTENCE WITHIN THE EXECUTIVE BRANCH.

There is hereby established a single Federal organization consisting of the Voice of America and the offices that constitute the International Broadcasting Bureau and referred to hereafter as the “United States International Communications Agency”, which shall exist within the executive branch of Government as an independent establishment described in section 104 of title 5, United States Code.

SEC. 102. ESTABLISHMENT OF THE BOARD OF THE UNITED STATES INTERNATIONAL COMMUNICATIONS AGENCY.

(a) COMPOSITION OF THE BOARD OF THE UNITED STATES INTERNATIONAL COMMUNICATIONS AGENCY.—

(1) IN GENERAL.—The Board (in this section referred to as the “Board”) of the United States International Communications Agency shall consist of nine members, as follows:

(A) Eight voting members who shall be appointed by the President, by and with the advice and consent of the Senate.

(B) The Secretary of State, who shall also be a voting member.

(2) CHAIR.—The President shall appoint one member (other than the Secretary of State) as Chair of the Board, by and with the advice and consent of the Senate.

(3) POLITICAL AFFILIATION.—Exclusive of the Secretary of State, not more than four members of the Board shall be of the same political party.

(4) RETENTION OF EXISTING BBG MEMBERS.—The presidentially-appointed and Senate-confirmed members of the Broadcasting Board of Governors serving as of the date of the enactment of this Act shall constitute the Board of the United States International Communications Agency and hold office the remainder of their original terms of office without reappointment to the Board.

(b) TERM OF OFFICE.—The term of office of each member of the Board shall be three years, except that the Secretary of State shall remain a member of the Board during the Secretary’s term of service. Of the other eight voting members, the initial terms of office of two members shall be one year, and the initial terms of office of three other members shall be two years, as determined by the President. The President shall appoint, by and with the advice and consent of the Senate, Board members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Members may not serve beyond their terms. When there is no Secretary of State, the Acting Secretary of State shall serve as a member of the Board until a Secretary is appointed.

(c) SELECTION OF BOARD.—Members of the Board shall be citizens of the United States who are not regular full-time employees of the United States Government. Such members shall be selected by the President from among citizens distinguished

in the fields of public diplomacy, mass communications, print, broadcast media, or foreign affairs.

(d) **COMPENSATION.**—Members of the Board, while attending meetings of the Board or while engaged in duties relating to such meetings or in other activities of the Board pursuant to this section (including travel time) shall be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code. While away from their homes or regular places of business, members of the Board may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of such title for persons in the Government service employed intermittently. The Secretary of State shall not be entitled to any compensation under this chapter.

(e) **DECISIONS.**—Decisions of the Board shall be made by majority vote, a quorum being present. A quorum shall consist of a majority of members then serving at the time a decision of the Board is made.

(f) **TRANSPARENCY.**—The Board of the United States International Communications Agency shall adhere to the provisions specified in the Government in the Sunshine Act (Public Law 94–409).

SEC. 103. AUTHORITIES AND DUTIES OF THE BOARD OF THE UNITED STATES INTERNATIONAL COMMUNICATIONS AGENCY.

The Board of the United States International Communications Agency shall have the following authorities:

(1) To review and evaluate the mission and operation of, and to assess the quality, effectiveness, and professional integrity of, all programming produced by the United States International Communications Agency to ensure alignment with the broad foreign policy objectives of the United States.

(2) To ensure that broadcasting of the United States International Communications Agency is conducted in accordance with the standards specified in section 5.

(3) To review, evaluate, and recommend to the Chief Executive of the United States International Communications Agency, at least annually, in consultation with the Secretary of State, the necessity of adding or deleting of language services of the Agency.

(4) To submit to the President and Congress an annual report which summarizes and evaluates activities of the United States International Communications Agency described in this title.

SEC. 104. ESTABLISHMENT OF THE CHIEF EXECUTIVE OFFICER OF THE UNITED STATES INTERNATIONAL COMMUNICATIONS AGENCY.

(a) **IN GENERAL.**—There shall be a Chief Executive Officer of the United States International Communications Agency, appointed by the Board of the Agency for a five-year term, renewable at the Board's discretion, and subject to the provisions of title 5, United States Code, governing appointments, classification, and compensation.

(b) **QUALIFICATIONS.**—The Chief Executive Officer shall be selected from among United States citizens with two or more of the following qualifications:

(1) A distinguished career in managing a large organization or Federal agency.

(2) Experience in the field of mass communications, print, or broadcast media.

(3) Experience in foreign affairs or international relations.

(4) Experience in directing United States public diplomacy programs.

(c) **TERMINATION AND TRANSFER.**—Immediately upon appointment of the Chief Executive Officer under subsection (a), the Director of the International Broadcasting Bureau shall be terminated, and all of the responsibilities and authorities of the Director shall be transferred to and assumed by the Chief Executive Officer.

(d) **REMOVAL OF CHIEF EXECUTIVE OFFICER.**—The Chief Executive Officer under subsection (a) may be removed upon a two-thirds majority vote of the members of the Board of the United States International Communications Agency then serving.

(e) **COMPENSATION OF THE CHIEF EXECUTIVE OFFICER.**—Any Chief Executive Officer of the United States International Communications Agency hired after the date of the enactment of this Act, shall be eligible to receive compensation up to an annual rate of pay equivalent to level I of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 105. AUTHORITIES AND DUTIES OF THE CHIEF EXECUTIVE OFFICER OF THE UNITED STATES INTERNATIONAL COMMUNICATIONS AGENCY.

(a) **DUTIES.**—The Chief Executive Officer under section 104 shall direct operations of the United States International Communications Agency and shall have the following non-delegable authorities, subject to the supervision of the Board of the United States International Communications Agency:

(1) To supervise all Federal broadcasting activities conducted pursuant to title V of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461 et seq.) and the Voice of America as described in subtitle B of title I of this Act.

(2) To make and ensure compliance with the terms and conditions of the grant agreement in accordance with section 110.

(3) To review engineering activities to ensure that all broadcasting elements receive the highest quality and cost-effective delivery services.

(4) To undertake such studies as may be necessary to identify areas in which broadcasting activities under the authority of the United States International Communications Agency could be made more efficient and economical.

(5) To the extent considered necessary to carry out the functions of the Board, procure supplies, services, and other personal property, as well as procurement pursuant to section 1535 of title 31, United States Code (commonly referred to as the "Economy Act"), of such goods and services from other Federal agencies for the Board as the Board determines are appropriate.

(6) To appoint such staff personnel for the Board as the Board may determine to be necessary, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(7) To obligate and expend, for official reception and representation expenses, such amounts as may be made available through appropriations Acts.

(8) To make available in the annual reports required under section 103 information on funds expended on administrative and managerial services by the Board of the United States Communications Agency, and the steps the Board has taken to reduce unnecessary overhead costs for each of the broadcasting services.

(9) To provide for the use of United States Government broadcasting capacity to the Freedom News Network.

(10)(A) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS-15 of the General Schedule under section 5108 of such title.

(B) To allow those individuals providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

(11) To utilize the provisions of titles III, IV, V, VII, VIII, IX, and X of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), and section 6 of Reorganization Plan Number 2 of 1977, as in effect on the day before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1998, to the extent the Board considers necessary to carry out the provisions and purposes of this Act.

(12) To utilize the authorities of any other statute, reorganization plan, executive order, regulation, agreement, determination, or other official document or proceeding that had been available to the Director of the United States Information Agency, the International Broadcasting Bureau, or the Board of the Broadcasting Board of Governors before the date of the enactment of this Act.

(13)(A) To provide for the payment of primary and secondary school expenses for dependents of personnel stationed in the Commonwealth of the Northern Mariana Islands (CNMI) at a cost not to exceed expenses authorized by the Department of Defense for such schooling for dependents of members of the Armed Forces stationed in the Commonwealth, if the Board determines that schools available in the Commonwealth are unable to provide adequately for the education of the dependents of such personnel.

(B) To provide transportation for dependents of such personnel between their places of residence and those schools for which expenses are provided under subparagraph (A), if the Board determines that such schools are not accessible by public means of transportation.

(b) CONSULTATIONS.—The Chief Executive Officer of the United States International Communications Agency shall regularly consult with the Chief Executive Officer of the Freedom News Network and the Secretary of State as described in sections 108 and 109.

SEC. 106. ROLE OF THE SECRETARY OF STATE.

To assist the Board of the United States International Communications Agency in carrying out its functions, the Secretary of State shall provide to the Board infor-

mation in accordance with section 109(b), as well as guidance on United States foreign policy and public diplomacy priorities, as the Secretary determines appropriate.

SEC. 107. ROLE OF THE INSPECTOR GENERAL.

(a) **IN GENERAL.**—The Inspector General of the Department of State shall exercise the same authorities with respect to the United States International Communications Agency and the Freedom News Network as the Inspector General exercises with respect to the Department.

(b) **JOURNALIST INTEGRITY.**—The Inspector General of the Department of State shall respect the journalistic integrity of all the broadcasters covered by this Act and may not evaluate the philosophical or political perspectives reflected in the content of the broadcasts of such broadcasters.

SEC. 108. ENHANCED COORDINATION BETWEEN UNITED STATES INTERNATIONAL COMMUNICATIONS AGENCY AND THE FREEDOM NEWS NETWORK; PROGRAM CONTENT SHARING; GRANTEE INDEPENDENCE.

(a) **MEETINGS.**—The chair of the Board and Chief Executive Officer of the United States International Communications Agency shall meet at least on a quarterly basis with the chair and Chief Executive Officer, as identified in section 221, of the Freedom News Network to discuss mutual issues of concern, including the following:

- (1) The strategic direction of their respective organizations, including target audiences.
- (2) Languages of information transmission.
- (3) Prioritization of funding allocations.
- (4) Areas for greater collaboration.
- (5) Elimination of programming overlap.
- (6) Efficiencies that can be realized through best practices and lessons learned.
- (7) Sharing of program content.

(b) **INFORMATION SHARING.**—The Chief Executive Officer of the United States International Broadcasting Agency and the Chief Executive Officer of the Freedom News Network shall share all strategic planning documents, including the following:

- (1) Results monitoring and evaluation.
- (2) Annual planning documents.
- (3) Audience surveys conducted.
- (4) Budget formulation documents.

(c) **PROGRAM CONTENT SHARING.**—The United States International Communications Agency and the Freedom News Network shall make all original content available to each other through a shared platform in accordance with section 112(a)(3).

(d) **INDEPENDENCE OF FREEDOM NEWS NETWORK.**—The United States International Communications Agency, while conducting management of the grant described in section 110, shall avoid even the appearance of involvement in daily operations, decisions, and management of the Freedom News Network, and ensure that the distinctions between the United States International Communications Agency and Freedom News Network remain in accordance with this Act.

SEC. 109. ENHANCED COORDINATION AMONG THE UNITED STATES INTERNATIONAL COMMUNICATIONS AGENCY, THE FREEDOM NEWS NETWORK, AND THE DEPARTMENT OF STATE; FREEDOM NEWS NETWORK INDEPENDENCE.

(a) **COORDINATION MEETINGS.**—The Chief Executive Officer of the United States International Communications Agency and the Chief Executive Officer of the Freedom News Network shall meet, at least on a quarterly basis, with the Secretary of State to—

- (1) review and evaluate broadcast activities;
- (2) eliminate overlap of programming; and
- (3) determine long-term strategies for international broadcasting to ensure such strategies are in accordance with the broad foreign policy interests of the United States.

(b) **STRATEGIC PLANNING DOCUMENTS.**—The Chief Executive Officer of the United States International Communications Agency, the Chief Executive Officer of the Freedom News Network, and the Secretary of State shall share all relevant unclassified strategic planning documents produced by the Agency, the Freedom News Network, and the Department of State.

(c) **FREEDOM NEWS NETWORK INDEPENDENCE.**—The Department of State, while coordinating with the Freedom News Network in accordance with subsection (a), shall avoid even the appearance of involvement in the daily operations, decisions, and management of the Freedom News Network.

SEC. 110. GRANTS TO THE FREEDOM NEWS NETWORK.

(a) **IN GENERAL.**—The Chief Executive Officer of the United States International Communications Agency shall make grants to RFE/RL, Incorporated, Radio Free

Asia, or the Middle East Broadcasting Networks, Incorporated only after the Chief Executive Officer of the Agency and the Chief Executive Officer of Freedom News Network certify to the appropriate congressional committees that the headquarters of the Freedom News Network and its senior administrative and managerial staff are in a location which ensures economy, operational effectiveness, and accountability, and the following conditions have been satisfied:

- (1) RFE/RL, Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks, Incorporated have submitted to the Chief Executive Officer of the United States International Communications Agency a plan for consolidation and reconstitution as described in section 211 under the new corporate name "Freedom News Network" with a single organizational structure and management framework, as described in section 221.
 - (2) The necessary steps towards the consolidation described in paragraph (1) have been completed, including the selection of a Board, Chair, and Chief Executive Officer for the Freedom News Network, the establishment of bylaws to govern the Freedom News Network, and the filing of articles of incorporation.
 - (3) A plan for content sharing has been developed in accordance with section 112(a)(3).
 - (4) A strategic plan for programming implementation has been developed in accordance with section 222(c).
- (b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Board of the United States International Communications Agency shall submit to Congress a report on the status of any grants made to the Freedom News Network.
- (c) **LIMITATION ON GRANT AMOUNTS.**—The total amount of grants made for the operating costs of the Freedom News Network may not exceed \$270,000,000 in fiscal year 2015.
- (d) **ALTERNATIVE GRANTEE.**—If the Chief Executive Officer of the United States International Communications Agency, after consultation with the Board of the Agency and the appropriate congressional committees, determines at any time that the Freedom News Network is not carrying out the mission described in section 212 and adhering to the standards and principles described in section 213 in an effective and economical manner for which a grant has been awarded, the Chief Executive Officer of the Agency, upon approval of the Board, may award to another entity the grant at issue to carry out such functions after soliciting and considering applications from eligible entities in such manner and accompanied by such information as the Board may require.
- (e) **NOT A FEDERAL ENTITY.**—Nothing in this Act may be construed to make the Freedom News Network a Federal agency or instrumentality.
- (f) **AUTHORITY.**—Grants authorized under this section for the United States International Communications Agency shall be available to make annual grants to the Freedom News Network for the purpose of carrying out the mission described in section 212 and adhering to the standards and principles described in section 213.
- (g) **GRANT AGREEMENT.**—Grants authorized under this section to the Freedom News Network by the Chief Executive Officer of the United States International Communications Agency shall only be made in accordance with a grant agreement. Such grant agreement shall include the following provisions:
- (1) A grant shall be used only for activities in accordance with carrying out the mission described in section 212 and adhering to the standards and principles described in section 213.
 - (2) The Freedom News Network shall comply with the requirements of this section.
 - (3) Failure to comply with the requirements of this section may result in suspension or termination of a grant without further obligation by the United States International Communications Agency or the United States.
 - (4) Use of broadcasting technology owned and operated by the United States International Communications Agency shall be made available through an International Cooperative Administrative Support Service (ICASS) agreement or memorandum of understanding.
 - (5) The Freedom News Network shall, upon request, provide to the Chief Executive Officer of the United States International Communications Agency documentation which details the expenditure of any grant funds.
 - (6) A grant may not be used to require the Freedom News Network to comply with any requirements other than the requirements specified in this Act.
 - (7) A grant may not be used to allocate resources within the Freedom News Network in a manner that is inconsistent with the Freedom News Network strategic plan described in section 222(c).
- (h) **PROHIBITIONS ON THE USE OF GRANTS.**—Grants authorized under this section may not be used for the following purposes:

(1)(A) Except as provided in subparagraph (B) or (C), to pay any salary or other compensation, or enter into any contract providing for the payment of salary or compensation, in excess of the rates established for comparable positions under title 5, United States Code, or the foreign relations laws of the United States, except that no employee may be paid a salary or other compensation in excess of the rate of pay payable for level II of the Executive Schedule under section 5315 of such title.

(B) Salary and other compensation limitations under subparagraph (A) shall not apply with respect to any employee covered by a union agreement requiring a salary or other compensation in excess of such limitations before the date of the enactment of this Act.

(C) Notwithstanding the limitations specified in subparagraph (A), grants authorized under this section may be used by the Freedom News Network to pay up to six employees employed in the Washington, D.C. area, salary or other compensation not to exceed the rate of pay payable for level I of the Executive Schedule under section 5314 of title 5, United States Code, except that such shall not apply to the Chief Executive Officer of the Freedom News Network in accordance with section 221(d).

(2) For any activity intended to influence the passage or defeat of legislation being considered by Congress.

(3) To enter into a contract or obligation to pay severance payments for voluntary separation for employees hired after December 1, 1990, except as may be required by United States law or the laws of the country where such an employee is stationed.

(4) For first class travel for any employee of the Freedom News Network, or the relative of any such employee.

SEC. 111. OTHER PERSONNEL AND COMPENSATION LIMITATIONS.

(a) **IN GENERAL.**—Subject to the organizational and personnel restrictions described in subsection (c), the Chief Executive Officer of the United States International Communications Agency shall have the discretion to determine the distribution of all personnel within the Agency, subject to the approval of the Board of the Agency.

(b) LIMITATION ON COMPENSATION.—

(1) **IN GENERAL.**—No employee of the United States International Communications Agency, other than the Chief Executive Officer or Director of the Voice of America, shall be eligible to receive compensation at a rate in excess of step 10 of GS-15 of the General Schedule under section 5332 of title 5, United States Code.

(2) **EXCEPTION.**—The limitation described in paragraph (1) does not apply in the case of members of the Board in accordance with section 102(d) or affect the rights of employees covered under the Fair Labor Standards Act of 1938.

(c) PROHIBITION ON CERTAIN NEW EMPLOYMENT.—

(1) **IN GENERAL.**—Beginning on the date of the enactment of this Act and ending on the date that is five years after such date, the United States International Communications Agency may not fill any currently unfilled full-time or part-time position compensated at an annual rate of basic pay for grade GS-14 or GS-15 of the General Schedule under section 5332 of title 5, United States Code, including any currently filled position in which the incumbent resigns, retires, or otherwise leaves such position during the such five year period.

(2) **WAIVER.**—The Chief Executive Officer of the United States International Communications Agency may waive the prohibition specified in paragraph (1) if the position is determined essential to the functioning of the Agency and documented as such in the report required under section 112(a), or necessary for the acquisition of skills or knowledge not sufficiently represented in the current workforce of the Agency. The Chief Executive Officer of the Agency shall consult with the appropriate congressional committees before issuing a waiver under this paragraph.

(d) **CONTINUATION OF FEDERAL STATUS.**—Nothing in this Act may be interpreted to change the Federal status or rights of employees of the Voice of America or the International Broadcasting Bureau by the consolidation and establishment of the United States International Communications Agency.

SEC. 112. REPORTING REQUIREMENTS OF THE UNITED STATES INTERNATIONAL COMMUNICATIONS AGENCY.

(a) **REORGANIZATION REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Chief Executive Officer of the United States International Communications Agency shall submit to the appropriate Congressional committees a report that includes the following:

(1) A plan to assess and provide recommendations on the appropriate size and necessity of all current offices and positions (also referred to as a “staffing pattern”) within the Agency, including full-time employee positions rated at the Senior Executive Service (SES) level or at GS-14 or GS-15 on the General Schedule under section 5332 of title 5, United States Code. Such plan shall include a detailed organizational structure that delineates lines of authority and reporting between junior staff, management, and leadership.

(2) A plan to consolidate the Voice of America and the International Broadcasting Bureau into a single Federal entity identified as the “United States International Communications Agency”, and how the structure and alignment of resources support the fulfillment of the Agency’s mission and standards and principles as described in sections 5 and 122.

(3) A plan for developing a platform to share all programming content between the United States International Communications Agency and the Freedom News Network, including making available for distribution all programming content licensed or produced by the Agency and the Freedom News Network, and expanding the functionality of the platforms already in existence, such as the web content management system “Pangea”.

(4) A joint plan written with the Chief Executive Officer of the Freedom News Network to coordinate the transition of language services between the United States International Communications Agency and the Freedom News Network in accordance with sections 6, 123, 124, 212, and 213.

(b) **CONTRACTING REPORT.**—The Chief Executive Officer of the United States International Communications Agency shall annually submit to the appropriate congressional committees a report on the Agency’s compliance with the Federal Acquisition Regulation (the “FAR”) and the Anti-Deficiency Act, including a review of contracts awarded on a non-competitive basis, compliance with the FAR requirement for publicizing contract actions, the use of any personal service contracts without explicit statutory authority, and processes for contract oversight in compliance with the FAR.

(c) **LISTENERSHIP REPORT.**—The Chief Executive Officer of the United States International Communications Agency shall annually submit to the appropriate congressional committees a report that details the transmission capacities, market penetration, and audience listenership of all mediums of international communication deployed by the United States International Communications Agency, including a plan for how target audiences can be reached if the first medium of delivery is unavailable.

(d) **GAO REPORT.**—Every five years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that reviews the effectiveness of content sharing between the United States International Communications Agency and the Freedom News Network and makes recommendations on how content sharing can be improved.

(e) **LANGUAGE REPORT.**—Not later than one year after the date of the enactment of this Act, the Chief Executive Officer of the United States International Communications Agency and the Chief Executive Officer of the Freedom News Network shall submit to the appropriate congressional committees a joint report detailing—

- (1) information outlining the criteria and analysis used to determine broadcast recipient countries and regions; and
- (2) an initial list of broadcast countries and regions.

Subtitle B—The Voice of America

SEC. 121. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Voice of America has been an indispensable element of United States foreign policy and public diplomacy efforts since 1942, and should remain the flagship brand of the United States International Communications Agency;

(2) the Voice of America has been a reliable source of accurate, objective, and comprehensive news and related programming and content for the millions of people around the world who cannot obtain such news and related programming and content from indigenous media outlets;

(3) the Voice of America’s success over more than seven decades has created valuable brand identity and international recognition that justifies the maintenance of the Voice of America;

(4) the Voice of America’s public diplomacy mission remains essential to broader United States Government efforts to communicate with foreign populations; and

(5) despite its tremendous historical success, the Voice of America would benefit substantially from a recalibration of Federal international broadcasting agencies and resources, which would provide the Voice of America with greater mission focus and flexibility in the deployment of news, programming, and content.

SEC. 122. PRINCIPLES OF THE VOICE OF AMERICA.

The Voice of America shall adhere to the following principles in the course of fulfilling its duties and responsibilities:

- (1) Serving as a consistently reliable and authoritative source of news on the United States, its policies, its people, and the international developments that affect the United States.
- (2) Providing accurate, objective, and comprehensive information, with the understanding that these three values provide credibility among global news audiences.
- (3) Presenting the official policies of the United States, and related discussions and opinions about those policies, clearly and effectively.
- (4) Representing the whole of the United States, and shall accordingly work to produce programming and content that presents a balanced and comprehensive projection of the diversity of thought and institutions of the United States.

SEC. 123. DUTIES AND RESPONSIBILITIES OF THE VOICE OF AMERICA.

The Voice of America shall have the following duties and responsibilities:

- (1) Producing accurate, objective, and comprehensive news and related programming that is consistent with and promotes the broad foreign policies of the United States.
- (2) Producing news and related programming and content that accurately represents the diversity of thoughts and institutions of the United States as a whole.
- (3) Presenting the law and policies of the United States clearly and effectively.
- (4) Promoting the civil and responsible exchange of information and differences of opinion regarding policies, issues, and current events.
- (5) Making all of its produced news and related programming and content available to the Freedom News Network for use and distribution.
- (6) Producing or otherwise allowing editorials, commentary, and programming, in consultation with the Department of State, that present the official views of the United States Government and its officials.
- (7) Maximizing foreign national information access through both the use of existing broadcasting tools and resources and the development and dissemination of circumvention technology.
- (8) Providing training and technical support for independent indigenous media and journalist enterprises in order to facilitate or enhance independent media environments and outlets abroad.
- (9) Reaching identified foreign audiences in local languages and dialects when possible, particularly when such audiences form a distinct ethnic, cultural, or religious group within a country critical to United States national security interests.
- (10) Being capable of providing a broadcasting surge capacity under circumstances where overseas disasters, crises, or other events require increased or heightened international public diplomacy engagement.

SEC. 124. LIMITATION ON VOICE OF AMERICA NEWS, PROGRAMMING, AND CONTENT; EXCEPTION FOR BROADCASTING TO CUBA.

(a) IN GENERAL.—Except as provided in subsection (b), the Voice of America shall be limited to providing reporting in accordance with the principles specified in section 122. Nothing in this section may preclude the Voice of America from broadcasting programming content produced by the Freedom News Network.

(b) EXCEPTION FOR BROADCASTING TO CUBA.—Radio Marti and Television Marti, which constitute the Office of Cuba Broadcasting, shall continue programming and content production consistent with the mission and activities as described in the Radio Broadcasting to Cuba Act (Public Law 98–111) and the Television Broadcasting to Cuba Act (Public Law 101–246), and continue existing within the Voice of America of the United States International Communications Agency, established in section 101.

SEC. 125. DIRECTOR OF VOICE OF AMERICA.

(a) ESTABLISHMENT.—There shall be a Director of the Voice of America, who shall be responsible for executing the duties and responsibilities of the Voice of America described in subsection (b).

(b) **DUTIES AND RESPONSIBILITIES.**—The Director of the Voice of America shall, subject to the final approval of the Chief Executive Officer of the United States International Communications Agency carry out the following duties and responsibilities:

(1) Determine the organizational structure of, and personnel allocation or relocation within, the Voice of America, subject to section 105.

(2) Make recommendations to the Chief Executive Officer of the United States International Communications Agency regarding the production, development, and termination of Voice of America news programming and content.

(3) Make recommendations to the Chief Executive Officer of the United States International Communications Agency about the establishment, termination, prioritization, and adjustments of language services utilized by the Voice of America to reach its international audience.

(4) Allocate funding and material resources under the jurisdiction of the Voice of America for the furtherance of the other duties and responsibilities established under this subsection.

(5) Oversee the daily operations of the Voice of America, including programming content.

(c) **APPOINTMENT AND QUALIFICATIONS OF DIRECTOR.**—

(1) **IN GENERAL.**—The position of Director of the Voice of America shall be filled by a person who shall serve at the pleasure of the Chief Executive Officer of the United States International Communications Agency.

(2) **ELIGIBILITY.**—To be eligible to be appointed Director of the Voice of America, a person shall have at least two of the following qualifications:

(A) Prior, extensive experience managing or operating a private-sector media or journalist enterprise.

(B) Prior, extensive experience managing or operating a large organization.

(C) Prior, extensive experience engaged in mass media or journalist program development, including the development of circumvention technologies.

(D) Prior, extensive experience engaged in international journalism or other related activities, including the training of international journalists and the promotion of democratic institutional reforms abroad.

(3) **COMPENSATION.**—Any Director who is hired after the date of the enactment of this Act shall be entitled to receive compensation at a rate equal to the annual rate of basic pay for level III of the Executive Schedule under section 5315 of title 5, United States Code.

Subtitle C—General Provisions

SEC. 131. FEDERAL AGENCY COORDINATION IN SUPPORT OF UNITED STATES PUBLIC DIPLOMACY.

(a) **IN GENERAL.**—The Board of the United States International Communications Agency and the Freedom News Network shall conduct periodic, unclassified consultations with the Department of State, the United States Agency for International Development, the Department of Defense, and the Office of the Director of National Intelligence, for the purpose of assessing the following:

(1) Progress toward democratization, the development of free and independent media outlets, and the free flow of information in countries that receive programming and content from the United States International Communications Agency and the Freedom News Network.

(2) Foreign languages that have increased or decreased in strategic importance, and the factors supporting such assessments.

(3) Any other international developments, including developments with regional or country-specific significance, that might be of value in assisting the United States International Communications Agency and the Freedom News Network in the development of their programming and content.

(b) **GUIDANCE.**—The Board of the United States International Communications Agency shall use the unclassified consultations required under subsection (a) as guidance for its distribution and calibration of Federal resources in support of United States public diplomacy.

SEC. 132. FEDERAL AGENCY ASSISTANCE AND COORDINATION WITH THE UNITED STATES INTERNATIONAL COMMUNICATIONS AGENCY AND THE FREEDOM NEWS NETWORK DURING INTERNATIONAL BROADCAST SURGES.

(a) **IN GENERAL.**—Subject to a formal request from the Chair of the Board of the United States International Communications Agency, Federal agency heads shall

assist and coordinate with the Agency to facilitate a temporary broadcasting surge or enhance transmission capacity for such a temporary broadcasting surge for the Agency, the Freedom News Network, or both.

(b) **ACTIONS.**—In accordance with subsection (a), Federal agency heads shall assist or coordinate with the United States International Communications Agency by—

(1) supplying or facilitating access to, or use of—

(A) United States Government-owned transmission capacity, including the use of transmission facilities, equipment, resources, and personnel; and

(B) other non-transmission-related United States Government-owned facilities, equipment, resources, and personnel;

(2) communicating and coordinating with foreign host governments on behalf of, or in conjunction with, the Agency or the Freedom News Network;

(3) providing, or assisting in the obtaining of, in-country security services for the safety and protection of Agency or Freedom News Network personnel; and

(4) providing or facilitating access to any other United States Government-owned resources.

(c) **PROHIBITION.**—Notwithstanding any other provision of law, neither Federal agency heads nor their agencies shall receive any reimbursement or compensatory appropriations for complying with implementing this section.

SEC. 133. FREEDOM NEWS NETWORK RIGHT OF FIRST REFUSAL IN INSTANCES OF FEDERAL DISPOSAL OF RADIO OR TELEVISION BROADCAST TRANSMISSION FACILITIES OR EQUIPMENT.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, it shall be the policy of the United States International Communications Agency to, in the event it intends to dispose of any radio or television broadcast transmission facilities or equipment, provide the Freedom News Network with the right of first refusal with respect to the acquisition of such facilities and equipment.

(b) **TRANSFER AND DISPOSAL.**—Pursuant to subsection (a)—

(1) in the event the Freedom News Network is willing to accept the facilities and equipment referred to in such subsection, the United States International Communications Agency shall transfer to the Freedom News Network such facilities and equipment at no cost to the Freedom News Network; or

(2) in the event the Freedom News Network opts to not accept such facilities and equipment, the United States International Communications Agency may sell such facilities and equipment at market price, and retain any revenue from such sales.

(c) **RULES REGARDING CERTAIN FUNDS.**—Pursuant to subsections (b) and (c), any revenues that the United States International Communications Agency shall derive from such sales—

(1) shall not negatively impact subsequent appropriations to the Agency, and

(2) shall be used entirely for the purposes or research, development, and deployment of innovative broadcasting or circumvention technology.

SEC. 134. REPEAL OF THE UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.

The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.; title III of Public Law 103–236) is repealed (and the items relating to title III in the table of contents of such Public Law are struck).

SEC. 135. EFFECTIVE DATE.

This title shall take effect on the date that is 180 days after the date of the enactment of this Act.

TITLE II—THE FREEDOM NEWS NETWORK

SEC. 201. SENSE OF CONGRESS.

It is the sense of Congress that RFE/RL, Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks, Incorporated share a common mission with distinct geographic foci, and should therefore be merged into a single organization, with distinct marketing brands to provide the news and related programming and content in countries where free media are not established.

Subtitle A—Consolidation of Existing Grantee Organizations

SEC. 211. FORMATION OF THE FREEDOM NEWS NETWORK FROM EXISTING GRANTEES.

(a) **IN GENERAL.**—When the conditions specified in section 110 are satisfied, the Freedom News Network, comprised of the consolidation of RFE/RL Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks, Incorporated, shall exist to carry out all international broadcasting activities supported by the United States Government, in accordance with sections 212 and 213.

(b) **MAINTENANCE OF THE EXISTING INDIVIDUAL GRANTEE BRANDS.**—RFE/RL, Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks, Incorporated shall remain brand names under which news and related programming and content may be disseminated by the Freedom News Network. Additional brands may be created as necessary.

SEC. 212. MISSION OF THE FREEDOM NEWS NETWORK.

The Freedom News Network established under section 211 shall—

- (1) provide uncensored local and regional news and analysis to people in societies where a robust, indigenous, independent, and free media does not exist;
- (2) strengthen civil societies by promoting democratic values and promoting equality and the rights of the individual, including for marginalized groups, such as women and minorities;
- (3) help countries improve their indigenous capacity to enhance media professionalism and independence, and develop partnerships with local media outlets, as appropriate; and
- (4) promote access to uncensored sources of information, especially via the internet, and use all effective and efficient mediums of communication to reach target audiences.

SEC. 213. STANDARDS AND PRINCIPLES OF THE FREEDOM NEWS NETWORK.

The broadcasting of the Freedom News Network shall—

- (1) be consistent with the broad foreign policy objectives of the United States;
- (2) be consistent with the international telecommunications policies and treaty obligations of the United States;
- (3) be conducted in accordance with the highest professional standards of broadcast journalism;
- (4) be based on reliable information about its potential audience;
- (5) be designed so as to effectively reach a significant audience; and
- (6) prioritize programming to populations in countries without independent indigenous media outlets.

Subtitle B—Organization of the Freedom News Network

SEC. 221. GOVERNANCE OF THE FREEDOM NEWS NETWORK.

(a) **BOARD OF THE FREEDOM NEWS NETWORK.**—A board shall oversee the Freedom News Network and consist of nine individuals with a demonstrated background in media or the promotion of democracy and experience in measuring media impact.

(b) **COMPOSITION OF FIRST BOARD OF THE FREEDOM NEWS NETWORK.**—Not later than 90 days after the date of the enactment of this Act, the Chairs and Ranking Members of the appropriate congressional committees shall identify candidates for the first board of the Freedom News Network, direct the appointment of board members, and select the first chair of the board of the Freedom News Network as follows:

- (1) Two individuals shall be appointed by the Chair of the Committee on Foreign Affairs of the House of Representatives.
- (2) Two individuals shall be appointed by the Ranking Member of the Committee on Foreign Affairs of the House of Representatives.
- (3) Two individuals shall be appointed by the Chair of the Committee on Foreign Relations of the Senate.
- (4) Two individuals shall be appointed by the Ranking Member of the Committee on Foreign Relations of the Senate.
- (5) One individual shall be appointed by consensus of the Chairs and Ranking Members of the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) **OPERATIONS OF THE FIRST BOARD OF THE FREEDOM NEWS NETWORK.**—

(1) IN GENERAL.—The board members of the first board of the Freedom News Network shall determine the bylaws, select the Chief Executive Officer of the Freedom News Network, and file articles of incorporation under the corporate name “Freedom News Network”. The first board of the Freedom News Network may change the organization’s name in accordance with such bylaws.

(2) TERM LIMITS.—The board members of the first board of the Freedom News Network may not serve more than a three-year term, and shall be replaced in accordance with the bylaws referred to in paragraph (1) and the succession process described in paragraph (3).

(3) SUCCESSION OF BOARD MEMBERS.—The board members of the first board of the Freedom News Network and all subsequent boards shall fill vacancies on the board due to death, resignation, removal, or term expiration through an election process described in the bylaws referred to in paragraph (1) and in accordance with the principle of a “self-replenishing” body.

(d) COMPENSATION OF BOARD AND OFFICERS OF THE FREEDOM NEWS NETWORK.—Members of the board of the Freedom News Network may not receive any fee, salary, or remuneration of any kind for their service as members, except that such members may be reimbursed for reasonable expenses, such as board-related travel, incurred with approval of the board upon presentation of vouchers. No officers of the Freedom News Network, other than the Chief Executive Officer, shall be eligible to receive compensation at a rate in excess of the annual rate of basic pay for level II on the Executive Schedule under section 5315 of title 5, United States Code.

(e) ABOLISHMENT OF EXISTING BOARDS.—The boards of directors of RFE/RL, Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks, Incorporated in existence on the day before the date of the enactment of this Act shall be abolished on the date of the first official meeting of the first board of the Freedom News Network.

(f) CHIEF EXECUTIVE OFFICER.—The Chief Executive Officer of the Freedom News Network shall serve at the pleasure of the board of the Freedom News Network, and be responsible for the day-to-day management and operations of the Freedom News Network, including the selection of individuals for management positions. The board of the Freedom News Network may add to the duties and responsibilities of the Chief Executive Officer as the board determines appropriate, and such additional duties and responsibilities shall be codified in the bylaws of the Freedom News Network.

(g) PLAN FOR CONSOLIDATION OF EXISTING INDIVIDUAL GRANTEES.—

(1) IN GENERAL.—Not later than 180 days after the date of the first official meeting of the first board of the Freedom News Network, the chair of the board of the Freedom News Network shall submit a report to, and consult with, the appropriate congressional committees on the plan to consolidate RFE/RL, Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks, Incorporated into a single non-Federal grantee organization.

(2) COMPONENTS.—The consolidation plan referred to in paragraph (1) shall include the following components:

(A) The location and distribution of employees, including administrative, managerial, and technical staff, of the Freedom News Network that will be located within and outside the metropolitan area of Washington, D.C.

(B) An organizational chart identifying the managerial and supervisory lines of authority among all employees of the Freedom News Network.

(3) TIME FOR IMPLEMENTATION.—Not later than three years after the date of the enactment of this Act, the chair of the board of the Freedom News Network shall fully implement the consolidation plan referred to in paragraph (1) after consultation with the appropriate congressional committees.

(4) REPORT.—Not later than five years after the date on which initial funding is provided for the purpose of operating the Freedom News Network, the chair of the board of the Freedom News Network shall submit to the appropriate congressional committees a report that details the following:

(A) Whether the Freedom News Network is technically sound and cost-effective.

(B) Whether the Freedom News Network consistently meets the standards for quality and impact established by this title.

(C) Whether the Freedom News Network is receiving a sufficient audience to warrant its continued operation.

(D) The extent to which the Freedom News Network’s programming and content is already being received by the target audience from other credible indigenous or external sources.

(E) The extent to which the foreign policy and national security interests of the United States are being served by maintaining operations of the Freedom News Network.

SEC. 222. BUDGET OF THE FREEDOM NEWS NETWORK.

(a) **IN GENERAL.**—The annual budget of the Freedom News Network shall consist of the following:

(1) A grant described in section 110, consisting of the total grants to RFE/RL, Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks, Incorporated before the date of the enactment of this Act.

(2) Any grants or transfers from other Federal agencies.

(3) Other funds described in subsection (b).

(b) **OTHER SOURCES OF FUNDING.**—The Freedom News Network may, to the extent authorized by its board and in accordance with applicable laws and the mission of the Freedom News Network under section 212 and eligible broadcast areas under section 6, collect and utilize non-Federal funds, except that the Freedom News Network may not accept funds from the following:

(1) Any foreign governments or foreign government officials.

(2) Any agents, representatives, or surrogates of any foreign government or foreign government official.

(3) Any foreign-owned corporations or any subsidiaries of any foreign-owned corporation, regardless of whether such subsidiary is foreign-owned.

(4) Any foreign national or individual who is not either a citizen or a legal permanent resident of the United States.

(c) **ANNUAL STRATEGIC PLAN OF THE FREEDOM NEWS NETWORK.**—The Freedom News Network shall submit to the appropriate congressional committees and the United States International Communications Agency an annual strategic plan to satisfy the requirements specified in section 110. Each such strategic plan shall outline the following:

(1) The strategic goals and objectives of the Freedom News Network for the upcoming fiscal year.

(2) The alignment of the Freedom News Network's resources with the strategic goals and objectives referred to in paragraph (1).

(3) Clear benchmarks that establish the progress made towards achieving the strategic goals and objectives referred to in paragraph (1).

(4) A plan to monitor and evaluate the success of the Freedom News Network's broadcasting efforts.

(5) A reflective analysis on the activities on the past fiscal year.

(6) Any changes to facility leases, contracts, or ownership that would result in the relocation of staff or personnel.

(d) **SENSE OF CONGRESS.**—It is the sense of Congress that administrative and managerial costs for operation of the Freedom News Network should be kept to a minimum and, to the maximum extent feasible, should not exceed the costs that would have been incurred if RFE/RL, Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks, Incorporated had been operated as independent grantees or as a Federal entity within the Voice of America.

SEC. 223. ASSISTANCE FROM OTHER GOVERNMENT AGENCIES.

(a) **SURPLUS PROPERTIES.**—In order to assist the Freedom News Network in carrying out the provisions of this title, any agency or instrumentality of the United States may sell, loan, lease, or grant property (including interests therein) to the Freedom News Network as necessary.

(b) **FACILITIES AND BROADCASTING INFRASTRUCTURE.**—The United States International Communications Agency and the Freedom News Network shall negotiate an International Cooperative Administrative Support Service (ICASS) agreement or memorandum of understanding permitting the continued use of technological infrastructure for broadcasting and information dissemination, except that the Freedom News Network may choose to procure such services through negotiated contracts with private-sector providers.

SEC. 224. REPORTS BY THE OFFICE OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF STATE; AUDITS BY GAO.

(a) **IG REPORTS.**—The Inspector General of the Department of State shall, as appropriate, submit to the appropriate congressional committees reports on management practices of the Freedom News Network, including financial reports on unobligated balances.

(b) **GAO AUDITS.**—

(1) **IN GENERAL.**—Financial transactions of the Freedom News Network, as such relate to functions carried out under this Act, may be audited by the Government Accountability Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Freedom News Network are normally kept.

(2) ACCESS.—Representatives of the Government Accountability Office shall have access to all books, accounts, records, reports, files, papers, and property belonging to or in use by the Freedom News Network pertaining to the financial transactions referred to in paragraph (1) and necessary to facilitate an audit in accordance with such paragraph. All such books, accounts, records, reports, files, papers, and property of the Freedom News Network shall remain in the possession and custody of the Freedom News Network.

(c) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, one percent of the funds made available by the United States International Communications Agency shall be transferred to the Inspector General of the Department of State to cover the expenses of carrying out the activities of the Inspector General under this section.

SEC. 225. AMENDMENTS TO THE UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948.

The United States Information and Educational Exchange Act of 1948 is amended—

(1) in title V (22 U.S.C. 1461 et seq.), by striking “Broadcasting Board of Governors” and inserting “United States International Communications Agency” each place it appears;

(2) by amending paragraph (1) of section 501(b) (22 U.S.C. 1461(b)) to read as follows:

“(1) Except as provided in paragraph (2), the Secretary and the United States International Communications Agency may, upon request and reimbursement of the reasonable costs incurred in fulfilling such a request, make available, in the United States, motion pictures, films, video, audio, and other materials disseminated abroad pursuant to this Act. Any reimbursement pursuant to this paragraph shall be credited to the applicable appropriation account of the Department of State or the United States International Communications Agency, as appropriate. The Secretary and the United States International Communications Agency shall issue necessary regulations.”;

(3) by repealing sections 504 and 505 (22 U.S.C. 1464 and 1464a);

(4) by redesignating section 506 (22 U.S.C. 1464b) as section 504;

(5) in section 504, as so redesignated, in subsection (c), in the matter preceding paragraph (1), by striking “Board” each place it appears and inserting “Agency”;

(6) in clause (iii) of section 604(d)(1)(A) (22 U.S.C. 1469(d)(1)(A)), by striking “Broadcasting Board of Governors” and inserting “United States International Communications Agency”;

(7) in paragraph (3) of section 801 (22 U.S.C. 1471), by striking “Director of the United States Information Agency” and inserting “Chief Executive Officer of the United States International Communications Agency”;

(8) in subsection (b) of section 802 (22 U.S.C. 1472)—

(A) in paragraph (1)(B), by striking “Director of the United States Information Agency” and inserting “Chief Executive Officer of the United States International Communications Agency”; and

(B) in paragraph (4)(A), by striking “Broadcasting Board of Governors” and inserting “United States International Communications Agency”; and

(9) in paragraph (1) of section 804 (22 U.S.C. 1474), by striking “Director of the United States Information Agency” and inserting “Chief Executive Officer of the United States International Communications Agency”;

(10) in section 810(b) (22 U.S.C. 1475e(b))—

(A) in the matter preceding paragraph (1), by striking “United States Information Agency” and inserting “United States International Communications Agency”; and

(B) in paragraph (4), by striking “International Broadcasting Bureau” and inserting “United States International Communications Agency”; and

(11) in subsection (a) of section 1011 (22 U.S.C. 1442), by striking “Director of the United States Information Agency” and inserting “Chief Executive Officer of the United States International Communications Agency”.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. PRESERVATION OF UNITED STATES NATIONAL SECURITY OBJECTIVES.

The Chief Executive Officer of the United States International Communications Agency and the Chief Executive Officer of the Freedom News Network shall each establish procedures to vet and monitor employees of each such agency for affiliations to terrorist organizations, foreign governments, or agents of foreign govern-

ments to protect against espionage, sabotage, foreign propaganda messaging, and other subversive activities that undermine United States national security objectives.

SUMMARY AND PURPOSE

H.R. 4490, the United States International Communications Reform Act of 2014, reforms the Broadcasting Board of Governors (“BBG”). This legislation clarifies the missions of the various broadcasting entities, consolidates the broadcast entities based on organizational mission, and aligns resources accordingly. The United States must have the ability to communicate effectively with foreign audiences, support indigenous reform efforts, and facilitate the free flow of information. Currently, the BBG cannot effectively fulfill their missions because of its dysfunctional organizational structure.

This legislation makes clear that the Voice of America (“VOA”) is an indispensable element of United States public diplomacy efforts by serving as a consistently reliable and authoritative source of news on the United States, its policies, people, and the international developments that affect the United States. The VOA will consolidate with the International Broadcasting Bureau into a renamed Federal agency—the United States International Communications Agency (“USICA”). This legislation draws a clear distinction between the mission of the VOA to provide news and information on the United States, its policies its people, and the international developments that affect the United States and the mission of the so-called “surrogate” broadcasters (Radio Free Europe/Radio Liberty (“RFE/RL”), Radio Free Asia (“RFA”), and the Middle East Broadcasting Networks (“MBN”)) to provide uncensored local and regional news and information to people in societies without an indigenous free media. This legislation consolidates the surrogate broadcasters into a single, private, nonprofit organization with its own board separate from the board of the United States International Communications Agency—referred to in this bill as the Freedom News Network (“FNN”).

Among other things, this bill includes several mandates: the development of a platform to facilitate content sharing between the USICA and the FNN; the sharing of strategic planning documents produced by the USICA and FNN as well as coordination on at least a quarterly basis with the Department of State; the development of a transition plan for the realignment of USICA and FNN language services and plans for organizational restructuring of USICA and FNN; an end to contracting practices that violate the Federal Acquisition Regulation; and limits on senior level pay and a temporary hiring freeze for senior level positions within the USICA.

BACKGROUND AND NEED FOR LEGISLATION

In 1999, the United States Information Agency (“USIA”) was dissolved by the Foreign Affairs Reform and Restructuring Act. USIA’s broadcasting functions were absorbed into the BBG which was established to supervise the activities of the VOA, RFE/RL, and RFA. The BBG has been criticized by the State Department Office of the Inspector General (“OIG”) and Government Accountability Office (“GAO”) for structural, functional, and employee mo-

rare problems. In January 2013, the OIG described a highly dysfunctional board structure. The GAO also found there was significant overlap among the BBG's languages services and that the cost of overlap was not systematically considered. Secretary Hillary Clinton echoed the OIG and GAO findings in her testimony before the House Committee on Foreign Affairs on January 23, 2013 when she stated, "Our Broadcasting Board of Governors is practically defunct in terms of its capacity to be able to tell a message around the world. So we're abdicating the ideological arena, and we need to get back into it."

This legislation reforms the BBG by addressing the core issues that have plagued the organization, rejecting a "quick-fix" approach that addresses only superficial problems.

Congressional Directives

The committee recognizes that the problems of the Broadcasting Board of Governors ("BBG") cannot solely be attributed to the many years of organizational mismanagement. The lack of institutional flexibility resulting from rigid and often conflicting Congressional directives also has diminished the BBG's capacity. Historically, Congressional mandates that link mediums of communication to certain funding levels have prevented the BBG from shifting resources as mediums become more or less effective and efficient. Such mandates also put constraints on workforce flexibility, thereby preventing the BBG from rapidly aligning personnel skill sets with the needs of the organization.

The United States Information Agency ("USIA") previously kept a prioritized list of target audiences and language services based on national security interests. This list was developed jointly with the Department of State with input from the National Security Council. With the dissolution of the USIA and subsequent creation of the BBG, this list was abandoned. As a result, Congress has taken the lead in determining the priority of language service programming.

This Committee believes that the USICA and FNN must develop clear strategies that articulate their goals and objectives, including qualitative and quantitative metrics for evaluating success. The failure to provide a clear strategy in the past has necessitated Congressional directives, such as specific funding levels for language services or initiatives, which ultimately limits the organization's flexibility and responsiveness. If both agencies achieve their stated goals and objectives, Congressional concerns could be alleviated and diminish the need for directives.

Mission of the Voice of America

The Voice of America is entirely funded by U.S. taxpayers to communicate with international audiences. It was established in 1942 as part of the Office of War Information and later moved into the USIA where it remained for forty-six years. When the USIA was abolished, the VOA was subsumed by the newly created BBG where it has remained. Throughout these various iterations, there have been differing interpretations of the VOA mission or "charter." That charter, promulgated in 1976 reads:

- (1) VOA will serve as a consistently reliable and authoritative source of news. VOA news will be accurate, objective, and comprehensive.
- (2) VOA will represent America, not any single segment of American society, and will therefore present a balanced and comprehensive projection of significant American thought and institutions.
- (3) VOA will present the policies of the United States clearly and effectively, and will also present responsible discussions and opinion on these policies.

VOA's emphases on the second and third elements of the charter have varied over time. In recent years, its programming has reflected an interpretation of the charter that favors greater autonomy from the U.S. foreign policy apparatus as demonstrated by a reduction in the number of "editorials" that present the policies of the United States clearly and effectively (as mandated in section 303(b) of P.L. 103-236) and the diminution of programming that covers "the official activities of government, Federal or State, including congressional proceedings and news briefings of any agency of the Executive branch" (as authorized in section 505(c)(3) of P.L. 80-402)

The VOA charter also has been interpreted to provide a wider geographic scope that has led the VOA to fill surrogate roles in Africa, Latin America, and other areas while RFE/RL, RFA, and the MBN have been geographically limited. It is the committee's position that the Voice of America will no longer conduct "surrogate" broadcasting or broadcasting that provides uncensored local and regional news to people in societies without a free media; that is the role of the Freedom News Network.

In order to address the BBG's dysfunction and reduce overlap with surrogate broadcasters, the mission of the VOA must be clarified. This legislation takes the position that credible and accurate news funded by the United States government is not an oxymoron and restates the standards contained in the United States International Broadcasting Act of 1994 (P.L. 103-236). The committee believes that the values and interests of the United States are advanced by providing access to accurate news and information; supporting freedom of opinion and expression and respect for human rights. The VOA is not news like any other; its success is not defined by listener market share, ratings, or profit and its audience is international and highly diverse.

Also, the VOA is funded by the United States Government to present the policies of United States effectively, including editorials, pursuant to the VOA charter and the United States International Broadcasting Act of 1994 (P.L. 103-236). In supporting the broad foreign policies of the United States, the VOA is to serve as a consistently reliable and authoritative source for news and information on the United States, its policies, its people, and major international developments to the people of the world.

The presentation of U.S. foreign policy, as intended in current law and clarified in this legislation, necessitates close coordination with the Department of State, especially the office of the Undersecretary for Public Affairs and Public Diplomacy. This legislation reiterates the mandate, carried in current law, that the Voice of America (as part of the USICA) meet with the State Department

to ensure consistency with the broad foreign policy objectives of the United States while maintaining a clear distinction between the two agencies. Coordination between the VOA and the State Department is mandated to occur quarterly but should be done on a continual basis.

Journalistic Integrity

The credibility of VOA and FNN news broadcasts is paramount. Therefore, the committee believes strongly that, above all, the journalistic integrity of the broadcasting employees of the USICA and the FNN must be respected, supported and maintained. Journalists should not be pressured to present news or information that is factually inaccurate or deliberately deceptive. The highest journalistic standards shall be respected at all times and both the VOA and FNN shall produce news and information that is consistently objective, accurate, credible, and comprehensive. VOA and FNN audiences must be confident in the truthfulness and accuracy of the news broadcasts before they will accept as legitimate information presented in other facets of the programming. The boards of USICA and FNN should protect the credibility of the content produced and uphold high standards of journalism, ensuring journalistic integrity is preserved.

Management of the United States International Communications Agency

The problems of the current BBG management structure have been detailed in numerous places, including by the Office of the Inspector General in January 2013. As a Federal agency, the BBG is somewhat unique in its management structure. It is governed by a Board consisting of nine, part-time, presidentially-appointed and Senate-confirmed individuals who are charged with the day-to-day agency management.

However, it has been very clear that a part-time Board of this nature cannot effectively manage a Federal agency. To address this problem, this legislation reduces the role of the Board by delegating many of the duties currently assigned to the Board to a new Chief Executive Officer (“CEO”). The reassignment of duties from the Board to the CEO is a reiteration of the legislation contained in S.1372 (113th Congress). The Chief Executive Officer will be chosen by and serve at the pleasure of the Board and is empowered to act as Agency head, supervising the day-to-day operations of the USICA. This legislation will allow the agency to continue to function even when the Board does not have a quorum—a debilitating problem that the BBG encountered during the summer of 2013.

The CEO is also empowered to select the Director of the Voice of America. The clarified mission of the Voice of America (“VOA”) necessitates that the VOA Director have relevant experience, such as managing a large organization or working in the field of journalism.

The legislation also prohibits Board members from remaining in their positions beyond the expiration of their term. Currently, members may remain on the board despite their term having expired, which reduces the impetus for the President to nominate new members or re-nominate members for a new term.

Realignment of Personnel within the U.S. International Communications Agency

The clarified mission of the VOA and the consolidation of the VOA and the International Broadcasting Bureau will necessitate a realignment of the workforce. Section 111 of the legislation takes two steps to reduce the top-heavy nature of the USICA. First, it includes a cap on pay that prohibits the creation of new Senior Executive Service (“SES”) positions. Current SES employees will not be affected by this provision.

Second, there is a five-year hiring freeze on positions at the GS-14 and GS-15 levels. This freeze would impact positions that become available due to retirement, resignation, or other causes. There is a waiver included to ensure that critical positions of the organization remain filled and to allow the USICA to hire individuals with skills that they need but currently do not have. As positions at the high end of the General Schedule pay scale become available, the Office of Personnel Management and the USICA will have the opportunity to reclassify these positions to better address the new needs and mission of the organization.

Voice of America Language Services

The VOA currently conducts broadcasting of a “surrogate” nature to parts of the world not covered by RFE/RL, RFA, and the MBN. Given the clarified mission of the VOA, it will be incumbent upon the new FNN to initiate services to parts of Latin America, sub-Saharan Africa, and elsewhere as the VOA transitions to programming that conforms to its mission as clarified in the bill.

This legislation requires that the FNN and the USICA develop a plan for the smooth transition from VOA surrogate broadcasting to the FNN where applicable. We anticipate that this transition will necessitate that the FNN hire additional staff and journalists, many of whom may be currently employed by the VOA. To the extent feasible, the FNN should look to hire employees from VOA services before exploring other options.

The legislation includes an exception for VOA programming to Cuba, which is intended to ensure that the Radio and Television Martí services continue programming and content production consistent with the mission and activities described in the Radio Broadcasting to Cuba Act (P.L. 98–111) and the Television Broadcasting to Cuba Act (P.L. 101–246). The clarification of the Voice of America mission should have no impact on the Office of Cuba Broadcasting.

The committee believes that VOA programming in English is critical and should be balanced with programming designed to reach significant populations in countries in their local language or dialects wherever possible, including where there are native, primary languages in addition to a secondary or national language understood by an ethnic, cultural, or religious minority.

With respect to broadcasting to Pakistan, the committee encourages VOA to assess the feasibility and cost of initiating broadcasting in the Sindhi language in Pakistan and include its assessment as part of the report required in section 112. VOA broadcasting in Sindhi has bipartisan support in the House Foreign Affairs Committee. In 2011, the committee unanimously approved legislation to require that \$1.5 million of VOA’s funds be used only

for Sindhi language programming. In 2013, the House Appropriations Committee approved report language encouraging VOA to examine the feasibility and cost of initiating broadcasting in the Sindhi language in Pakistan and be prepared to report on its findings during the committee's hearings on the fiscal year 2015 budget request.

Federal Employment

To the extent that the organizational restructuring of the United States International Communications Agency leads to a reduction in the Federal civil service personnel level below the current combined Federal civil service personnel level of the Voice of America and the International Broadcasting Bureau, all Federal civil service employees who opt to remain in Federal service should retain their Federal employment and be transferred to other Federal agencies as needed, when possible.

Current Federal employees of the Voice of America or the International Broadcasting Bureau ("IBB") whose positions are eliminated during consolidation should be given every opportunity to be reassigned within the USICA and to the maximum extent possible be reassigned to similar positions within the VOA. In any transfer of function plan connected with the reorganization, the positions of any contract employees or personal services contractors presently employed in the language services of the Agency, including English, shall be eliminated prior to the elimination of positions filled by staff with Federal status.

Grants to the Freedom News Network

The USICA will continue to make an annual grant to the grantee organizations (now the FNN). This legislation mandates that base budgeting for the FNN come via a grant from the USICA to ensure that the two agencies meet, at least annually, to discuss strategic planning and programming. Substantive meetings are more likely to occur if resources are part of the discussion.

The committee believes that FNN's compliance with the grant agreement will require significant oversight at the time of its inception, and that a direct appropriation from Congress to the FNN—rather than a grant from the USICA—would reduce such oversight. In future years, there may be cause to change the funding mechanism for the Freedom News Network either by changing the grantor or through a direct Congressional appropriation.

The continuation of funding to the FNN via a grant from the USICA is not a pretext for the USICA to micromanage the activities of the FNN. The FNN shall develop its own budget and strategic plan which includes methods of monitoring and evaluation as well as target audiences (or language services). This legislation requires that the FNN coordinate its strategic plan and budget with the Department of State and the USICA, but coordination should not be interpreted to mean that the FNN requires approval; the FNN is an entirely independent private corporation that will determine its activities and programming as it sees fit. If those activities and programming are not consistent with the broad foreign policy goals of the U.S. or deviate from the FNN mission, Congress via the USICA is empowered to provide funds to an alternative organization.

Mission of the Freedom News Network

The FNN shall continue the surrogate mission of RFE/RL, RFA, and the MBN—to provide uncensored local news and information to people in countries where a free media does not exist. This mission is viewed by the committee as complementary to but distinct from the mission of the VOA.

In fulfilling its mission, the FNN should augment projects and programs conducted by other Federal grantees, such as the National Endowment for Democracy, the International Republican Institute, and the National Democratic Institute. There is an obvious synergy between the goals and objectives of all these grantees and therefore collaboration, such as training local journalists, should be encouraged and strengthened. Collaboration should also increase between the FNN and the Bureau of Democracy, Human Rights, and Labor at the Department of State and the Bureau for Democracy, Conflict, and Humanitarian Assistance at USAID.

To facilitate that collaboration, the FNN is strongly encouraged to apply for grants or transfers from other Federal sources where activities align with its mission. For example, the committee anticipates that Federal funding could be granted to FNN for journalistic training. In writing the organization's bylaws, the board of the FNN shall determine the appropriate processes for seeking outside funding.

Management of the Freedom News Network

The FNN shall be led by a Chief Executive Officer and a board, modeled after the management structure of the National Endowment for Democracy ("NED"). To avoid problems associated with the BBG, the committee feels strongly that the FNN should have a board that is completely private—with no individuals that work for the Federal Government.

The Chief Executive Officer shall be chosen by a board consisting of nine members including a Chair. The members of the board shall be selected by the Presidents of RFE/RL, Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks in close consultation with the Chairs and Ranking Members of the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations. It is the expectation of this Committee that the Presidents of RFE/RL, Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks will not propose candidates for the board that are objectionable to the Chairs and Ranking Members of the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations. Board members must be "well qualified" where that term is understood to mean a demonstrated and well-respected career in the promotion of democracy and an understanding of international broadcasting. Board members should not represent the narrow parochial interests of RFE/RL, Incorporated, Radio Free Asia, or the Middle East Broadcasting Networks—they should be independent and objective in their official capacity.

The Congress retains the right to disapprove the selections of first board through enactment of a joint resolution of disapproval. All subsequent board members should be filled in a "self-replenishing" manner as is the practice at the NED.

This legislation does not include provisions on how the FNN will function, its structure, or its bylaws because it is the committee's

belief that a private organization should make those decisions for itself. Congressional directives in these areas would ultimately be counterproductive and invite a level of micromanagement that would undermine the integrity of the organization. While the committee did not require a particular structure for the organization, the intent in consolidating the three grantee organizations (RFE/RL, RFA, and the MBN) was to create a single organization in all senses of the term—merging staff, management, human resources, administrative functions, and collocation—in short, every function and operation of the three grantees should be consolidated into a single organization. While retaining individual brand names is essential, the committee believes that a completely consolidated organization will be more effective and efficient than three distinct organizations.

The committee recognizes that a complete consolidation will take time and this legislation provides up to three years from the date of enactment. It may not be efficient or effective to have all staff co-locate, and the Chief Executive Officer of the FNN should determine where maintaining separate offices is appropriate.

Operations of the Freedom News Network

The FNN has a global mandate and should prioritize programming to countries where media freedom is most inhibited; programming should not be limited to the regions currently serviced by RFE/RL, RFA, or the MBN. This legislation includes provisions outlining how the FNN should coordinate with the Department of State and the USICA to identify target populations and prioritize language services. Ultimately, the determination of how to allocate the resources of the FNN will be determined by its Chief Executive Officer.

Public-Private Partnerships

Both the USICA and the FNN should leverage public-private partnerships to the maximum amount appropriate. The technical capacity to operate a global news operation is expensive and partnerships that lower costs should be utilized. Public-private partnerships should also be used to obtain content for programming. The USICA and the FNN should make every effort to acquire content that supports their respective missions through creative and innovative programming in order to reach target audiences.

Consistent with declaration (18) in Section 2 of this bill, the committee encourages the USICA to work with the private sector, including artists to highlight art that promotes peace, especially in countries facing high levels of terrorism. This could be accomplished by working with the music industry to recognize musicians whose music seeks to counter violence and extremism.

In fulfilling the mandate set forth in section 2420 of P.L. 105–277, the USICA shall look to partner with private sector content producers to provide programming “on the individual States of the United States . . . including (1) information on the products, tourism, and cultural, and educational facilities of each State; (2) information on the potential for trade with each State; and discussion with State officials with respect to the matters described in paragraphs (1) and (2).”

Counterintelligence Mandate

Title III of this legislation was included to ensure that all components of U.S. international broadcasting are protected from the efforts of foreign powers to penetrate the broadcast services in order to disrupt their mission or otherwise undermine their effectiveness.

Infiltration of foreign agents could pose a threat to “stringers” that work in dangerous or repressive countries, supplying information about the plans and activities of the agency, details about fellow employees and their relatives, or other sensitive information. Foreign agents may also manipulate broadcast content and undermine U.S. broadcasting efforts by covering irrelevant topics, or by not refuting regime disinformation. Foreign agents also pose a threat to workforce harmony and may seek to influence the hiring of additional foreign agents or encourage the illegitimate dismissal of employees.

The committee believes strongly that protecting the integrity of the USICA and the FNN from foreign agent penetration is the responsibility of those organizations and that they should institute rigorous policies and procedures, such as regular security training, to ensure the safety of its employees as well as maintain the credibility of its programming.

HEARINGS

During the 114th Congress, the committee held the following hearings related to the content of H.R. 4490:

March 13, 2014 full committee hearing on “Advancing U.S. Interests Abroad: The FY 2015 Foreign Affairs Budget” (Hon. John F. Kerry, Secretary of State, U.S. Department of State).

June 26, 2013 full committee hearing on “Broadcasting Board of Governors: An Agency ‘Defunct’” (Hon. James K. Glassman (Founding Executive Director, George W. Bush Institute; former Chairman of the Broadcasting Board of Governors and Under Secretary of State for Public Diplomacy and Public Affairs); Hon. S. Enders Wimbush (Executive Director for Strategy & Development, National Bureau of Asian Research; former Governor of the Broadcasting Board of Governors); and Hon. D. Jeff Hirschberg (Chairman, The Northeast Maglev, LLC; former Governor of the Broadcasting Board of Governors)).

COMMITTEE CONSIDERATION

On April 30, 2014, the Foreign Affairs Committee marked up H.R. 4490, pursuant to notice, in open session. By unanimous consent, the Chairman called up a bipartisan package of 5 amendments that were considered en bloc, and agreed to by voice vote. H.R. 4490, as amended, was agreed to by voice vote, and ordered favorably reported to the House by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of House Rule XIII, the committee reports that the findings and recommendations of the committee, based on oversight activities under clause 2(b)(1) of House Rule X, are incorporated in the descriptive portions of this report,

particularly the “Summary and Purpose,” “Background and Need for Legislation,” and “Section-by-Section Analysis” sections.

NEW BUDGET AUTHORITY, TAX EXPENDITURES, AND FEDERAL
MANDATES

In compliance with clause 3(c)(2) of House Rule XIII and the Unfunded Mandates Reform Act (P.L. 104-4), the committee adopts as its own the estimate of new budget authority, entitlement authority, tax expenditure or revenues, and Federal mandates contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 23, 2014.

Hon. EDWARD R. ROYCE, *Chairman,*
Committee on Foreign Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4490, the United States International Communications Reform Act of 2014. If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte, who can be reached at 226-2840.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure

cc: Honorable Eliot L. Engel
Ranking Member

H.R. 4490—United States International Communications Reform Act of 2014.

As ordered reported by the House Committee on Foreign Affairs on April 30, 2014.

SUMMARY

H.R. 4490 would make several changes to U.S. non-military international broadcasting and would permanently authorize appropriations for that purpose. It would consolidate into two separate entities the federal and nonfederal entities currently providing such broadcasting, amend the principles and mission underlying international broadcasting, and place restrictions on hiring personnel at the consolidated federal entity.

CBO estimates that implementing H.R. 4490 would cost \$3.7 billion over the 2015-2019 period, assuming appropriation of the necessary amounts. Pay-as-you-go procedures apply to this legislation because it would affect direct spending; however, CBO estimates that those effects would not be significant. Enacting the bill would not affect revenues.

H.R. 4490 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 4490 is shown in the following table. The costs of this legislation fall within budget function 150 (international affairs).

By Fiscal Year, in Millions of Dollars						
	2015	2016	2017	2018	2019	2015–2019
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	742	760	778	798	822	3,900
Estimated Outlays	623	750	771	791	814	3,749

BASIS OF ESTIMATE

For this estimate, CBO assumes that H.R. 4490 will be enacted late in fiscal year 2014, that the necessary amounts will be appropriated each year, and that outlays will follow historical spending patterns for the affected programs.

Spending Subject to Appropriation

CBO estimates that implementing H.R. 4490 would require appropriations for U.S. non-military international broadcasting averaging \$780 million annually over the 2015–2019 period. In comparison to the 2014 appropriated level of \$725 million, those amounts include adjustments for expected inflation and savings generated primarily from the consolidation of private broadcasters. The bill also would remove the current requirement that all funds provided for such broadcasting must be authorized each fiscal year. The bill thus provides a permanent authorization to spend funds for those purposes. Assuming appropriation of the necessary amounts, CBO estimates that implementing the bill would cost \$3.7 billion over the next five years.

H.R. 4490 would make several changes to the mission and structure of international broadcasting. Under current law, the Broadcasting Board of Governors (BBG) oversees federal and private entities (known as the “grantees”) that provide or support such broadcasting. The bill would abolish the BBG and consolidate the federal and private entities into two entities with separate management and boards. It also would amend the principles and mission underlying international broadcasting and restrict broadcasting to undemocratic countries and regions that lack free and widely accessible media. Finally, the bill would provide waiver authority in situations that are in the national security interest.

Federal Entities. The federal entities—the Voice of America (VOA), which includes the Office of Cuba Broadcasting (OCB), and the International Broadcasting Bureau—would be consolidated into the United States International Communications Agency (USICA). VOA’s public diplomacy mission would be restated to include supporting U.S. foreign policy objectives and providing news on the United States, its policies, and its people. The bill would not alter

OCB's mission or operations. Under the bill, USICA would make annual grants to the private entities in amounts similar to recent grants from existing entities. Finally, the bill would place restrictions on salaries and hiring personnel at USICA, but the agency could waive the restrictions on hiring after consulting with the Congress.

Based on information from the Administration, CBO expects that the new federal entity would consolidate operations in 2015 and have insignificant costs and savings related to that consolidation. The bill does not make specific changes to VOA's programming, and CBO cannot determine how the changes to VOA's mission under the bill would affect its programming costs. On one hand, VOA could cut certain services and programs that overlap with broadcasting provided by other entities. On the other hand, VOA could revive its Arabic service to more comprehensively fulfill its mission under the bill (broadcasting in Arabic is currently provided by the Middle East Broadcasting Networks, which is a private entity). Finally, CBO estimates that the restrictions on salaries and hiring personnel would have insignificant savings each year.

Grantees. The grantees—Radio Free Europe/Radio Liberty, Radio Free Asia, and Middle East Broadcasting Networks—would consolidate into the Freedom News Network (FNN). They would share a headquarters and management structure but retain their distinct programming and geographical presence. The FNN would continue the grantees' current mission of providing uncensored local news and information to countries and regions that do not have an indigenous free media.

The grantees considered consolidating in 2012 and prepared an internal plan detailing the necessary steps as well as related costs and savings. That proposal contemplated consolidation within a year; however, H.R. 4490 would allow the grantees three years to fully consolidate. Based on information from the grantees, CBO expects that they would consolidate over the 2015-2017 period and that related costs and savings would be small and offsetting in 2015 and 2016. Starting in 2017, CBO estimates that consolidation would lead to savings of about \$5 million each year as leases on unnecessary office space are not renewed and unneeded positions in management and technical support that fall open due to attrition remain unfilled.

Direct Spending

Section 133 would authorize USICA to retain the proceeds from sales of its facilities and equipment. Section 222 would allow FNN to accept funding from certain nonfederal sources to supplement annual grants from USICA. Based on information from the BBG and grantees, CBO estimates that any such amounts raised would be spent in the year they were collected and, thus, that enacting this provision would have insignificant effects on direct spending.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 4490 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

ESTIMATE PREPARED BY:

Federal Costs: Sunita D'Monte
 Impact on State, Local, and Tribal Governments: J'nell L. Blanco
 Impact on the Private Sector: Marin Burnett

ESTIMATE APPROVED BY:

Theresa Gullo
 Deputy Assistant Director for Budget Analysis

PERFORMANCE GOALS AND OBJECTIVES

H.R. 4490 is intended to reform the structure of U.S. international broadcasting operations, to improve the effectiveness and clarify the missions of the organizations that comprise the Broadcasting Board of Governors ("BBG"). To achieve this goal, the Act consolidates the Voice of America and the Federal institutions of the BBG and rebrands the consolidated entity as the United States International Communications Agency ("USICA"). USICA will be directed by a Chief Executive Officer, overseen by an advisory board of presidentially appointed-Senate confirmed individuals. The three private broadcasting corporations (Radio Free Europe-Radio Liberty, Radio Free Asia, and the Middle East Broadcasting Networks) will consolidate into a single private corporation called the Freedom News Network, which will be governed by a Chief Executive Officer and a private board—modeled after the National Endowment for Democracy. Each organization will have a distinct but complementary mission. The USICA will provide news and information on the United States, its policies, people, and culture as well as international news to the peoples of the world. The FNN will provide uncensored local and regional news to people in societies where an indigenous free media does not exist.

CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 4490 does not apply to terms and conditions of employment or to access to public services or accommodations within the Legislative Branch.

NEW ADVISORY COMMITTEES

H.R. 4490 does not establish or authorize any new advisory committees.

EARMARK IDENTIFICATION

H.R. 4490 contains no congressional earmarks, limited tax benefits, or limited tariff benefits as described in clauses 9(e), 9(f), and 9(g) of House Rule XXI.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the committee finds the authority for this legislation in article I, section 8 of the Constitution.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title. This section provides that the short title of this Act is the ‘United States International Communications Reform Act of 2014.’

Section 2. Findings and Declarations. This section outlines the broad purposes and mission of United States international broadcasting as well as the key findings of the relevant recent reports produced by the Government Accountability Office (GAO) and the Office of the Inspector General (OIG).

Section 3. Purposes. This section articulates the justification for this reform Act.

Section 4. Definitions. This section defines some of the key terminology used throughout the Act.

Section 5. Broadcasting Standards. This section restates the broadcasting standards contained in the United States International Broadcasting Act of 1994 (P.L. 103–236).

Section 6. Eligible Broadcast Areas. This section limits the target broadcast areas to states that are deemed “undemocratic” or where a free press is limited. A waiver may allow programming to democratic states if it is in the national security interest of the United States. A report detailing implementation of this restriction is required 180 days after enactment.

TITLE I—ESTABLISHMENT, ORGANIZATION AND MANAGEMENT OF THE UNITED STATES FEDERAL INTERNATIONAL COMMUNICATIONS AGENCY

Subtitle A—Establishment of the United States International Communications Agency

Section 101. Existence within the Executive Branch. This section makes clear that the new United States International Communications Agency will be a federal agency within the Executive branch of government and consist of the consolidation of the Voice of America and the International Broadcasting Bureau.

Section 102. Establishment of the Board of the United States International Communications Agency. This section states the structure, composition, and compensation of the Board of the United States International Communications Agency. This section is largely a restatement of the structure, composition, and compensation of the current Board of the Broadcasting Board of Governors as outlined in section 304 of the United States International Broadcasting Act of 1994 (P.L. 103–236).

Section 103. Authorities and duties of the Board of the United States International Communications Agency. This section outlines the authorities of the Board of the U.S. International Communications Agency. The authorities of the Board are a reduction from the authorities of the Board of the Broadcasting Board of Governors and consistent with the reforms contained in previous legislative proposals.

Section 104. Establishment of the Chief Executive Officers of the United States International Communications Agency. This section creates the position of Chief Executive Officer (CEO) within the United States International Communications Agency. It includes a description of the qualifications of the CEO, annual salary, and the mechanism for removal.

Section 105. Authorities and duties of the Chief Executive Officers of the United States International Communications Agency. This section outlines the authorities of the CEO, consistent with the language contained in previous legislative proposals.

Section 106. Role of the Secretary of State. This section restates section 306 of the United States International Broadcasting Act of 1994 (P.L. 103–236) while deleting reference to “Worldnet Programming” which no longer exists.

Section 107. Role of the Inspector General. This section restates section 304(a)(3) of the United States International Broadcasting Act of 1994 (P.L. 103–236) while deleting reference to the “Broadcasting Board of Governors” and replacing with the United States International Communications Agency.

Section 108. Enhanced Coordination Between the United States International Communications Agency and the Freedom News Network; Program Content Sharing; Grantee Independence. This section mandates senior level meetings between the U.S. International Communications Agency and the consolidated grantee organization (“Freedom News Network”) to discuss strategic direction, language services, funding, areas for potential collaboration, and reduction of program overlap. It mandates the sharing of all strategic planning documents, audience surveys, and any documents detailing the monitoring and evaluation of programming. It also makes clear that the United States International Communications Agency will have no involvement or the appearance of involvement in the daily operations, decisions, and management of the Freedom News Network.

Section 109. Enhanced Coordination Among the United States International Communications Agency, the Freedom News Network, and the Department of State; Freedom News Network Independence. This section mandates senior level meetings between the U.S. International Communications Agency, Freedom News Network, and the Department of State including the Undersecretary for Public Affairs and Public Diplomacy to review and evaluate broadcasting activities and determine long-term strategies. The purpose of this coordination is to ensure that the United States International Communications Agency is supporting the public diplomacy mission of the United States as defined in this Act and articulated by the Undersecretary for Public Affairs and Public Diplomacy. It also makes clear that the Department of State will have no involvement or the appearance of involvement in the daily operations, decisions, and management of the Freedom News Network.

Section 110. Grants to the Freedom News Network. This section restates section 308 of the United States International Broadcasting Act of 1994 (P.L. 103–236) while removing reference to “RFE/RL, Incorporated” and replacing with the “Freedom News Network.” This section mandates that the United States International Communications Agency may not make any grants to RFE/RL, Incorporated, Radio Free Asia, or the Middle East Broadcasting Network until said grantees take identified steps towards consolidation; this section also outlines the terms of the grant agreement between the United States International Communications Agency and the Freedom News Network.

Section 111. Other Personnel and Compensation Limitations. This section caps senior level pay at the United States Inter-

national Communications Agency. This section includes a hiring freeze on all vacancies at the GS-14 and GS-15 level for five years (a waiver is included); intended to reduce the top-heavy nature of the organization.

Section 112. Reporting Requirements of the United States International Communications Agency. This section outlines the reports mandated by the Act including a report on the reorganization of the United States International Communications Agency to conform to terms of this Act; reports on the appropriate alignment of staff to organizational mission, justifying the continuation of positions including senior level staff; a report on the efficacy of programming to international audiences, detailing the distribution capacity, market penetration, and audience reach. This report should make recommendations regarding the most effective mediums of programming and legacy systems to be retired. Other reports are required as well for content sharing, and a comptroller report.

Subtitle B—The Voice of America

Section 121. Sense of Congress. This section expresses continued Congressional support the Voice of America and the role it has historically played around the world as a reliable sources of accurate and comprehensive news and information.

Section 122. Principles of the Voice of America. This section clarifies the principles of the Voice of America as outlined in section 303 of the United States International Broadcasting Act of 1994 (P.L. 103-236), making explicit that the Voice of America shall present the policies of the United States (public diplomacy) and serve as an authoritative source of information and news on the United States, its policies, its people, and the impact on the lives of those in foreign countries.

Section 123. Duties and Responsibilities of the Voice of America. This section further details the activities and tenor of the programming produced by the Voice of America; explaining how the policies and events in the United States impact the lives of those in foreign countries. This section again mandates that the Voice of America share content with the Freedom News Network and reiterates the importance of official editorials. This section revises the language currently contained in section 303(b) of the United States International Broadcasting Act of 1994 (P.L. 103-236)

Section 124. Limitation on Voice of America News, Programming, and Content; Exception for Broadcasting to Cuba. This section mandates that programming of the Voice of America conform to the public diplomacy mission of the United States International Communications Agency and may use content produced by the Freedom News Network, as appropriate. There is also an exception for the Office of Cuba Broadcasting which manages Radio Marti and Television Marti. Both Radio and Television Marti will continue to exist within the Voice of America with the mission and purpose described in the Radio Broadcasting to Cuba Act (P.L. 98-111) and the Television Broadcasting to Cuba Act (P.L. 101-246).

Section 125. Director of the Voice of America. This section establishes the position of the Director of the Voice of America as a subordinate of the Chief Executive Officer (CEO) of the United States International Communications Agency. This section also outlines

the qualifications and compensation of the Director of the Voice of America.

Subtitle C—General Provisions

Section 131. Federal Agency Coordination in Support of United States Public Diplomacy. This section obligates the United States Federal International Broadcasting Agency to consult with federal national security and aid agencies, on an unclassified level, in order to ensure that the Agency's strategic and language service priorities align with current strategic needs and concerns. This section also requires that the Agency issue its findings in a publicly released report, although it gives the Agency the option to release these findings with its annual report to Congress.

Section 132. Federal Agency Assistance and Coordination with the United States International Communications Agency and Freedom News Network During International Broadcast Surges. This section details all other federal agencies' obligations to assist the Agency and the broader public diplomacy effort at times when expanded, or "surge," broadcast capacity is needed. It specifically details categories of assistance that closely mirror the permissible categories of interaction provided in section 132. This section also bars reimbursement of federal agencies for complying with the surge assistance mandate.

Section 133. Freedom News Network Right of First Refusal in Instances of Federal Disposal of Radio or Television Broadcast Transmission Facilities or Equipment. This section addresses Agency broadcast facility transfers and sales, providing that the Agency must provide the Freedom News Network with a right of first refusal for all such facilities and related assets before attempting sale. This section would require such transfers be made free of charge to the Freedom News Network. This section also authorizes the Agency to sell or otherwise dispose of assets via free market sale in the event the Freedom News Network opts not to take on the transfer of these assets. This section also authorizes the Agency to sell current mobile (i.e., vehicular) broadcasting assets, such as vehicles and related equipment, that the Agency is currently prevented from selling.

Section 134. Repeal of United States International Broadcasting Act of 1994. The United States International Broadcasting Act of 1994, Title III of P.L. 103–236 (U.S.C. 6201) is repealed.

Section 135. Effective Date. The changes described in Title II of this Act take effect within 90 days of enactment.

TITLE II—THE FREEDOM NEWS NETWORK

Section 201. Sense of Congress. This section expresses the sense of Congress that Radio Free Europe-Radio Freedom, Radio Free Asia, and the Middle East Broadcasting Network share a common mission with distinct geographic foci and therefore should be consolidated into a single organization with a global mandate.

Subtitle A—Consolidation of Existing Grantee Organizations

Section 211. Formation of the Freedom News Network from Existing Grantees. This section articulates Congressional intent to consolidate Radio Free Europe-Radio Freedom, Radio Free Asia, and the Middle East Broadcasting Network into a single, non-federal,

non-profit organization based on their shared mission and objectives. The brand names of the existing grantee organizations should continue to be used by the Freedom News Network to the extent deemed appropriate or necessary.

Section 212. Mission of the Freedom News Network. This section defines the mission of the Freedom News Network; noting the difference in mission from the United States International Communications Agency as described in Title I of this Act.

Section 213. Standards and Principles of the Freedom News Network. This section restates the principles in section 303 of the United States International Broadcasting Act of 1994 (P.L. 103–236).

Subtitle B—Organization of the Freedom News Network

Section 221. Governance of the Freedom News Network. This section establishes a Board for the Freedom News Network with criteria for Board membership and compensation. The Board of the Freedom News Network is charged with selecting the Board's chairperson, the organization's Chief Executive Officer (CEO), and filing the articles of incorporation. It abolishes the existing boards for each of the federal grantee organizations (RFE/RL, RFA, and MBN) and mandates the creation of a consolidation plan to be presented to the appropriate congressional committees. The Board of the Freedom News Network is intended to be a private board (not Presidentially appointed and Senate confirmed) and be "self-replenishing" in the filling of Board vacancies; the Board, management structure, and function of the National Endowment for Democracy is the model intended for the Freedom News Network. The first Board of the Freedom News Network should also consider changing the organization's name.

Section 222. Budget of the Freedom News Network. This section allows the Freedom News Network to privately fundraise or get grants and transfers from other U.S. federal agencies but excludes the acceptance of funds from foreign governments, agents of foreign governments, or for commercial purposes. It also outlines the process by which federal funds will be passed to the Freedom News Network from the United States International Communications Agency, requiring the creation of an approved strategic plan before funds are transferred.

Section 223. Assistance from other government agencies. This section permits the United States International Communications Agency to sell, loan, lease, or grant property or infrastructure to the Freedom News Network. It also provides for the use of International Cooperative Administrative Support Service (ICASS) agreements between the United States International Communications Agency and the Freedom News Network.

Section 224. Reports by the Office of the Inspector General of the Department of State; Audits by GAO. This section mandates one annual audits of the Freedom News Network to be conducted by the Office of the Inspector General and submit these audits to the appropriate congressional committees. OIG audits will include but are not limited to financial expenditures and unobligated balances.

Section 225. Amendments to the United States Information and Educational Exchange Act of 1948. This section amends language

related to the operations of Radio Free Europe-Radio Freedom and Radio Free Asia that is outdated.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994

* * * * *

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

* * * * *

[TITLE III—UNITED STATES INTERNATIONAL BROADCASTING ACT

[Sec. 301. Short title.
[Sec. 302. Congressional findings and declaration of purposes.
[Sec. 303. Standards and principles.
[Sec. 304. Establishment of broadcasting Board of Governors.
[Sec. 305. Authorities of the Board.
[Sec. 306. Foreign policy guidance.
[Sec. 307. International Broadcasting Bureau.
[Sec. 308. Limits on grants for Radio Free Europe and Radio Liberty.
[Sec. 309. Radio Free Asia.
[Sec. 310. Transition.
[Sec. 311. Preservation of American jobs.
[Sec. 312. Privatization of Radio Free Europe and Radio Liberty.
[Sec. 313. Requirement for authorization of appropriations.
[Sec. 314. Definitions.
[Sec. 315. Technical and conforming amendments.]

* * * * *

[TITLE III—UNITED STATES INTERNATIONAL BROADCASTING ACT

[SEC. 301. SHORT TITLE.

[This title may be cited as the “United States International Broadcasting Act of 1994”.

[SEC. 302. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

[The Congress makes the following findings and declarations:

[(1) It is the policy of the United States to promote the right of freedom of opinion and expression, including the freedom “to seek, receive, and impart information and ideas through any media and regardless of frontiers,” in accordance with Article 19 of the Universal Declaration of Human Rights.

[(2) Open communication of information and ideas among the peoples of the world contributes to international peace and

stability and the promotion of such communication is in the interests of the United States.

[(3) It is in the interest of the United States to support broadcasting to other nations consistent with the requirements of this title.

[(4) The continuation of existing United States international broadcasting, and the creation of a new broadcasting service to the people of the People's Republic of China and other countries of Asia which lack adequate sources of free information, would enhance the promotion of information and ideas, while advancing the goals of United States foreign policy.

[(5) The reorganization and consolidation of United States international broadcasting will achieve important economies and strengthen the capability of the United States to use broadcasting to support freedom and democracy in a rapidly changing international environment.

[SEC. 303. STANDARDS AND PRINCIPLES.

[(a) BROADCASTING STANDARDS.—United States international broadcasting shall—

[(1) be consistent with the broad foreign policy objectives of the United States;

[(2) be consistent with the international telecommunications policies and treaty obligations of the United States;

[(3) not duplicate the activities of private United States broadcasters;

[(4) not duplicate the activities of government supported broadcasting entities of other democratic nations;

[(5) be conducted in accordance with the highest professional standards of broadcast journalism;

[(6) be based on reliable information about its potential audience; and

[(7) be designed so as to effectively reach a significant audience.

[(b) BROADCASTING PRINCIPLES.—United States international broadcasting shall include—

[(1) news which is consistently reliable and authoritative, accurate, objective, and comprehensive;

[(2) a balanced and comprehensive projection of United States thought and institutions, reflecting the diversity of United States culture and society;

[(3) clear and effective presentation of the policies of the United States Government and responsible discussion and opinion on those policies;

[(4) programming to meet needs which remain unserved by the totality of media voices available to the people of certain nations;

[(5) information about developments in each significant region of the world;

[(6) a variety of opinions and voices from within particular nations and regions prevented by censorship or repression from speaking to their fellow countrymen;

[(7) reliable research capacity to meet the criteria under this section;

[(8) adequate transmitter and relay capacity to support the activities described in this section; and

[(9) training and technical support for independent indigenous media through government agencies or private United States entities.

[(c) VOICE OF AMERICA BROADCASTS.—The long-range interests of the United States are served by communicating directly with the peoples of the world by radio. To be effective, the Voice of America must win the attention and respect of listeners. These principles will therefore govern Voice of America (VOA) broadcasts:

[(1) VOA will serve as a consistently reliable and authoritative source of news. VOA news will be accurate, objective, and comprehensive.

[(2) VOA will represent America, not any single segment of American society, and will therefore present a balanced and comprehensive projection of significant American thought and institutions.

[(3) VOA will present the policies of the United States clearly and effectively, and will also present responsible discussions and opinion on these policies.

[SEC. 304. ESTABLISHMENT OF BROADCASTING BOARD OF GOVERNORS.

[(a) ESTABLISHMENT.—There is hereby established within the United States Information Agency a Broadcasting Board of Governors (hereafter in this title referred to as the “Board”).

[(b) COMPOSITION OF THE BOARD.—

[(1) The Board shall consist of 9 members, as follows:

[(A) 8 voting members who shall be appointed by the President, by and with the advice and consent of the Senate.

[(B) The Director of the United States Information Agency who shall also be a voting member.

[(2) The President shall appoint one member (other than the Director of the United States Information Agency) as Chairman of the Board, subject to the advice and consent of the Senate.

[(3) Exclusive of the Director of the United States Information Agency, not more than 4 of the members of the Board appointed by the President shall be of the same political party.

[(c) TERM OF OFFICE.—The term of office of each member of the Board shall be three years, except that the Director of the United States Information Agency shall remain a member of the Board during the Director’s term of service. Of the other 8 voting members, the initial terms of office of two members shall be one year, and the initial terms of office of 3 other members shall be two years, as determined by the President. The President shall appoint, by and with the advice and consent of the Senate, Board members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until a successor has been appointed and qualified. When there is no Director of the United States Information Agency, the acting Director of the agency shall serve as a member of the Board until a Director is appointed.

[(d) SELECTION OF BOARD.—Members of the Board appointed by the President shall be citizens of the United States who are not regular full-time employees of the United States Government. Such members shall be selected by the President from among Americans distinguished in the fields of mass communications, print, broadcast media, or foreign affairs.

[(e) COMPENSATION.—Members of the Board, while attending meetings of the Board or while engaged in duties relating to such meetings or in other activities of the Board pursuant to this section (including travel time) shall be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code. While away from their homes or regular places of business, members of the Board may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently. The Director of the United States Information Agency shall not be entitled to any compensation under this title, but may be allowed travel expenses as provided under this subsection.

[(f) DECISIONS.—Decisions of the Board shall be made by majority vote, a quorum being present. A quorum shall consist of 5 members.

[SEC. 305. AUTHORITIES OF THE BOARD.]

[(a) AUTHORITIES.—The Board shall have the following authorities:

[(1) To direct and supervise all broadcasting activities conducted pursuant to this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act.

[(2) To review and evaluate the mission and operation of, and to assess the quality, effectiveness, and professional integrity of, all such activities within the context of the broad foreign policy objectives of the United States.

[(3) To ensure that United States international broadcasting is conducted in accordance with the standards and principles contained in section 303.

[(4) To review, evaluate, and determine, at least annually, the addition or deletion of language services.

[(5) To make and supervise grants for broadcasting and related activities in accordance with sections 308 and 309.

[(6) To allocate funds appropriated for international broadcasting activities among the various elements of the International Broadcasting Bureau and grantees, subject to the limitations in sections 308 and 309 and subject to reprogramming notification requirements in law for the reallocation of funds.

[(7) To review engineering activities to ensure that all broadcasting elements receive the highest quality and cost-effective delivery services.

[(8) To undertake such studies as may be necessary to identify areas in which broadcasting activities under its authority could be made more efficient and economical.

[(9) To submit to the President and the Congress, through the Director of the United States Information Agency, an annual report which summarizes and evaluates activities under this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act.

[(10) To the extent considered necessary to carry out the functions of the Board, procure supplies, services, and other personal property.

[(11) To appoint such staff personnel for the Board as the Board may determine to be necessary, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

[(12) To obligate and expend, for official reception and representation expenses, such amount as may be made available through appropriations (which for each of the fiscal years 1994 and 1995 may not exceed the amount made available to the Board for International Broadcasting for such purposes for fiscal year 1993).

[(13) To make available in the annual report required by paragraph (9) information on funds expended on administrative and managerial services by the Bureau and by grantees and the steps the Board has taken to reduce unnecessary overhead costs for each of the broadcasting services.

[(14) The Board may provide for the use of United States Government transmitter capacity for relay of Radio Free Asia.

[(b) BROADCASTING BUDGETS.—

[(1) The Director of the Bureau and the grantees identified in sections 308 and 309 shall submit proposed budgets to the Board. The Board shall forward its recommendations concerning the proposed budget for the Board and broadcasting activities under this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act to the Director of the United States Information Agency for the consideration of the Director as a part of the Agency's budget submission to the Office of Management and Budget.

[(2) The Director of the United States Information Agency shall include in the Agency's submission to the Office of Management and Budget the comments and recommendations of the Board concerning the proposed broadcasting budget.

[(c) IMPLEMENTATION.—The Director of the United States Information Agency and the Board, in carrying out their functions, shall respect the professional independence and integrity of the International Broadcasting Bureau, its broadcasting services, and grantees.

[(d) TECHNICAL AMENDMENT.—

[(1) Section 4 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465b) is amended by striking "and the Associate Director for Broadcasting of the United States Information Agency" and inserting "of the Voice of America".

[(2) Section 5(b) of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465c(b)) is amended by striking "Director and Associate Director for Broadcasting of the United States Information Agency" and inserting "Broadcasting Board of Governors".

[SEC. 306. FOREIGN POLICY GUIDANCE.

[To assist the Board in carrying out its functions, the Secretary of State, acting through the Director of the United States In-

formation Agency, shall provide information and guidance on foreign policy issues to the Board.

[SEC. 307. INTERNATIONAL BROADCASTING BUREAU.]

[(a) ESTABLISHMENT.—There is hereby established an International Broadcasting Bureau within the United States Information Agency (hereafter in this title referred to as the “Bureau”), to carry out all nonmilitary international broadcasting activities supported by the United States Government other than those described in sections 308 and 309.

[(b) SELECTION OF THE DIRECTOR OF THE BUREAU.—

[(1) The Director of the Bureau shall be appointed by the Chairman of the Board, in consultation with the Director of the United States Information Agency and with the concurrence of a majority of the Board. The Director of the Bureau shall be entitled to receive compensation at the rate prescribed by law for level IV of the Executive Schedule.

[(2) Section 5315 of title 5, United States Code, is amended by adding at the end the following:

“Director of the International Broadcasting Bureau, the United States Information Agency.”.

[SEC. 308. LIMITS ON GRANTS FOR RADIO FREE EUROPE AND RADIO LIBERTY.]

[(a) BOARD OF RFE/RL, INCORPORATED.—The Board may not make any grant to RFE/RL, Incorporated, unless the certificate of incorporation of RFE/RL, Incorporated, has been amended to provide that—

[(1) the Board of Directors of RFE/RL, Incorporated, shall consist of the members of the Broadcasting Board of Governors established under section 304 and of no other members; and

[(2) such Board of Directors shall make all major policy determinations governing the operation of RFE/RL, Incorporated, and shall appoint and fix the compensation of such managerial officers and employees of RFE/RL, Incorporated, as it considers necessary to carry out the purposes of the grant provided under this title.

[(b) LOCATION OF PRINCIPAL PLACE OF BUSINESS.—

[(1) The Board may not make any grant to RFE/RL, Incorporated unless the headquarters of RFE/RL, Incorporated and its senior administrative and managerial staff are in a location which ensures economy, operational effectiveness, and accountability to the Board.

[(2) Not later than 90 days after confirmation of all members of the Board, the Board shall provide a report to Congress on the number of administrative, managerial, and technical staff of RFE/RL, Incorporated who will be located within the metropolitan area of Washington, D.C., and the number of employees whose principal place of business will be located outside the metropolitan area of Washington, D.C.

[(c) LIMITATION ON GRANT AMOUNTS.—The total amount of grants made by the Board for the operating costs of Radio Free Europe and Radio Liberty may not exceed \$75,000,000 for any fiscal year after fiscal year 1995.

[(d) ALTERNATIVE GRANTEE.—If the Board determines at any time that RFE/RL, Incorporated, is not carrying out the functions

described in section 309 in an effective and economical manner, the Board may award the grant to carry out such functions to another entity after soliciting and considering applications from eligible entities in such manner and accompanied by such information as the Board may reasonably require.

[(e) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—Nothing in this title may be construed to make RFE/RL, Incorporated a Federal agency or instrumentality.

[(f) AUTHORITY.—Grants authorized under section 305 for RFE/RL, Incorporated, shall be available to make annual grants for the purpose of carrying out similar functions as were carried out by RFE/RL, Incorporated, on the day before the date of enactment of this Act with respect to Radio Free Europe and Radio Liberty, consistent with section 2 of the Board for International Broadcasting Act of 1973, as in effect on such date.

[(g) GRANT AGREEMENT.—Grants to RFE/RL, Incorporated, by the Board shall only be made in compliance with a grant agreement. The grant agreement shall establish guidelines for such grants. The grant agreement shall include the following provisions—

[(1) that a grant be used only for activities which the Board determines are consistent with the purposes of subsection (f);

[(2) that RFE/RL, Incorporated, shall otherwise comply with the requirements of this section;

[(3) that failure to comply with the requirements of this section may result in suspension or termination of a grant without further obligation by the Board or the United States;

[(4) that duplication of language services and technical operations between RFE/RL, Incorporated and the International Broadcasting Bureau be reduced to the extent appropriate, as determined by the Board; and

[(5) that RFE/RL, Incorporated, justify in detail each proposed expenditure of grant funds, and that such funds may not be used for any other purpose unless the Board gives its prior written approval.

[(h) PROHIBITED USES OF GRANT FUNDS.—No grant funds provided under this section may be used for the following purposes:

[(1)(A) Except as provided in subparagraph (B), to pay any salary or other compensation, or enter into any contract providing for the payment of salary or compensation in excess of the rates established for comparable positions under title 5 of the United States Code or the foreign relations laws of the United States, except that no employee may be paid a salary or other compensation in excess of the rate of pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

[(B) Salary and other compensation limitations under subparagraph (A) shall not apply prior to October 1, 1995, with respect to any employee covered by a union agreement requiring a salary or other compensation in excess of such limitations.

[(2) For any activity for the purpose of influencing the passage or defeat of legislation being considered by Congress.

[(3) To enter into a contract or obligation to pay severance payments for voluntary separation for employees hired after

December 1, 1990, except as may be required by United States law or the laws of the country where the employee is stationed.

[(4) For first class travel for any employee of RFE/RL, Incorporated, or the relative of any employee.

[(5) To compensate freelance contractors without the approval of the Board.

[(i) REPORT ON MANAGEMENT PRACTICES.—(1) Effective not later than March 31 and September 30 of each calendar year, the Inspector General of the United States Information Agency shall submit to the Board, the Director of the United States Information Agency, and the Congress a report on management practices of RFE/RL, Incorporated, under this section. The Inspector General of the United States Information Agency shall establish a special unit within the Inspector General's office to monitor and audit the activities of RFE/RL, Incorporated, and shall provide for on-site monitoring of such activities.

[(j) AUDIT AUTHORITY.—

[(1) Such financial transactions of RFE/RL, Incorporated, as relate to functions carried out under this section may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of RFE/RL, Incorporated, are normally kept.

[(2) Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, papers, and property belonging to or in use by RFE/RL, Incorporated pertaining to such financial transactions and necessary to facilitate an audit. Such representatives shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of RFE/RL, Incorporated, shall remain in the possession and custody of RFE/RL, Incorporated.

[(3) Notwithstanding any other provision of law and upon repeal of the Board for International Broadcasting Act, the Inspector General of the United States Information Agency is authorized to exercise the authorities of the Inspector General Act of 1978 with respect to RFE/RL, Incorporated.

[(k) PLAN FOR RELOCATION.—None of the funds authorized to be appropriated for the fiscal years 1994 or 1995 may be used to relocate the offices or operations of RFE/RL, Incorporated from Munich, Germany, unless—

[(1) such relocation is specifically provided for in an appropriation Act or pursuant to a reprogramming notification; and

[(2)(A) such relocation is authorized by the Board and the Board submits to the Comptroller General of the United States and the appropriate Congressional committees a detailed plan for such relocation, including cost estimates and any and all fiscal data, audits, business plans, and other documents which justify such relocation; or

[(B) prior to the confirmation of all members of the Board, such relocation is authorized by the President, the President certifies that a significant national interest requires that such

relocation determination be made before the confirmation of all members of the Board, and the President submits to the Comptroller General of the United States and the appropriate congressional committees a detailed plan for such relocation, including cost estimates and any and all fiscal data, audits, business plans, and other documents which justify such relocation.

[(1) REPORTS ON PERSONNEL CLASSIFICATION.—Not later than 90 days after the date of confirmation of all members of the Board, the Board shall submit a report to the Congress containing a justification, in terms of the types of duties performed at specific rates of salary and other compensation, of the classification of personnel employed by RFE/RL, Incorporated. The report shall include a comparison of the rates of salary or other compensation and classifications provided to employees of RFE/RL, Incorporated, with the rates of salary or other compensation and classifications of employees of the Voice of America stationed overseas in comparable positions and shall identify any disparities and steps which should be taken to eliminate such disparities.

[SEC. 309. RADIO FREE ASIA.

[(a) AUTHORITY.—

[(1) Grants authorized under section 305 shall be available to make annual grants for the purpose of carrying out radio broadcasting to the following countries: The People's Republic of China, Burma, Cambodia, Laos, North Korea, Tibet, and Vietnam.

[(2) Such broadcasting service shall be referred to as "Radio Free Asia".

[(b) FUNCTIONS.—Radio Free Asia shall—

[(1) provide accurate and timely information, news, and commentary about events in the respective countries of Asia and elsewhere; and

[(2) be a forum for a variety of opinions and voices from within Asian nations whose people do not fully enjoy freedom of expression.

[(c) SUBMISSION OF DETAILED PLAN FOR RADIO FREE ASIA.—

[(1) No grant may be awarded to carry out this section unless the Board, through the Director of the United States Information Agency, has submitted to Congress a detailed plan for the establishment and operation of Radio Free Asia, including—

[(A) a description of the manner in which Radio Free Asia would meet the funding limitations provided in subsection (d)(4);

[(B) a description of the numbers and qualifications of employees it proposes to hire; and

[(C) how it proposes to meet the technical requirements for carrying out its responsibilities under this section.

[(2) The plan required by paragraph (1) shall be submitted not later than 90 days after the date on which all members of the Board are confirmed.

[(3) No grant may be awarded to carry out the provisions of this section unless the plan submitted by the Board includes a certification by the Board that Radio Free Asia can be estab-

lished and operated within the funding limitations provided for in subsection (d)(4) and subsection (d)(5).

[(4) If the Board determines that a Radio Free Asia cannot be established or operated effectively within the funding limitations provided for in this section, the Board may submit, through the Director of the United States Information Agency, an alternative plan and such proposed changes in legislation as may be necessary to the appropriate congressional committees.

[(d) GRANT AGREEMENT.—Any grant agreement or grants under this section shall be subject to the following limitations and restrictions:

[(1)(A) The Board may not make any grant to Radio Free Asia unless the headquarters of Radio Free Asia and its senior administrative and managerial staff are in a location which ensures economy, operational effectiveness, and accountability to the Board.

[(B) Not later than 90 days after confirmation of all members of the Board, the Board shall provide a report to Congress on the number of administrative, managerial, and technical staff of Radio Free Asia who will be located within the metropolitan area of Washington, D.C., and the number of employees whose principal place of business will be located outside the metropolitan area of Washington, D.C.

[(2) Any grant agreement under this section shall require that any contract entered into by Radio Free Asia shall specify that all obligations are assumed by Radio Free Asia and not by the United States Government, and shall further specify that funds to carry out the activities of Radio Free Asia may not be available after September 30, 1999.

[(3) Any grant agreement shall require that any lease agreements entered into by Radio Free Asia shall be, to the maximum extent possible, assignable to the United States Government.

[(4) Grants made for the operating costs of Radio Free Asia may not exceed \$22,000,000 in any fiscal year.

[(5) The total amount of grant funds made available for one-time capital costs of Radio Free Asia may not exceed \$8,000,000.

[(6) Grants awarded under this section shall be made pursuant to a grant agreement which requires that grant funds be used only for activities consistent with this section, and that failure to comply with such requirements shall permit the grant to be terminated without fiscal obligation to the United States.

[(e) LIMITATIONS ON ADMINISTRATIVE AND MANAGERIAL COSTS.—It is the sense of the Congress that administrative and managerial costs for operation of Radio Free Asia should be kept to a minimum and, to the maximum extent feasible, should not exceed the costs that would have been incurred if Radio Free Asia had been operated as a Federal entity rather than as a grantee.

[(f) ASSESSMENT OF THE EFFECTIVENESS OF RADIO FREE ASIA.—Not later than 3 years after the date on which initial funding is provided for the purpose of operating Radio Free Asia, the Board shall submit to the appropriate congressional committees a report on—

[(1) whether Radio Free Asia is technically sound and cost-effective,

[(2) whether Radio Free Asia consistently meets the standards for quality and objectivity established by this title,

[(3) whether Radio Free Asia is received by a sufficient audience to warrant its continuation,

[(4) the extent to which such broadcasting is already being received by the target audience from other credible sources; and

[(5) the extent to which the interests of the United States are being served by maintaining broadcasting of Radio Free Asia.

[(g) SUNSET PROVISION.—The Board may not make any grant for the purpose of operating Radio Free Asia after September 30, 1998, unless the President of the United States determines in the President's fiscal year 1999 budget submission that continuation of funding for Radio Free Asia for 1 additional year is in the interest of the United States.

[(h) NOTIFICATION AND CONSULTATION REGARDING DISPLACEMENT OF VOICE OF AMERICA BROADCASTING.—The Board shall notify the appropriate congressional committees before entering into any agreements for the utilization of Voice of America transmitters, equipment, or other resources that will significantly reduce the broadcasting activities of the Voice of America in Asia or any other region in order to accommodate the broadcasting activities of Radio Free Asia. The Chairman of the Board shall consult with such committees on the impact of any such reduction in Voice of America broadcasting activities.

[(i) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—Nothing in this title may be construed to make Radio Free Asia a Federal agency or instrumentality.

[SEC. 310. TRANSITION.

[(a) AUTHORIZATION.—

[(1) The President is authorized consistent with the purposes of this Act to direct the transfer of all functions and authorities from the Board for International Broadcasting to the United States Information Agency, the Board, or the Bureau as may be necessary to implement this title.

[(2)(A) Not later than 120 days after the date of enactment of this Act, the Director of the United States Information Agency and the Chairman of the Board for International Broadcasting shall jointly prepare and submit to the President for approval and implementation a plan to implement the provisions of this title. Such plan shall include at a minimum a detailed cost analysis to implement fully the recommendations of such plan. The plan shall identify all costs in excess of those authorized for such purposes and shall provide that any excess cost to implement the plan shall be derived only from funds authorized in section 201 of this Act.

[(B) The President shall transmit copies of the approved plan, together with any recommendations for legislative changes that may be necessary, to the appropriate congressional committees.

[(b) NEW APPOINTEES.—The Director of the United States Information Agency may assign employees of the Agency for service

with RFE/RL, Incorporated, with the concurrence of the president of RFE/RL, Incorporated. Such assignment shall not affect the rights and benefits of such personnel as employees of the United States Information Agency.

[(c) BOARD FOR INTERNATIONAL BROADCASTING PERSONNEL.—All Board for International Broadcasting full-time United States Government personnel (except special Government employees) and part-time United States Government personnel holding permanent positions shall be transferred to the United States Information Agency, the Board, or the Bureau. Such transfer shall not cause any such employee to be separated or reduced in grade or compensation.

[(d) OTHER AUTHORITIES.—The Director of the United States Information Agency is authorized to utilize the provisions of titles VIII and IX of the United States Information and Educational Exchange Act of 1948, and any other authority available to the Director on the date of enactment of this Act, to the extent that the Director considers necessary in carrying out the provisions and purposes of this title.

[(e) REPEAL.—The Board for International Broadcasting Act of 1973 (22 U.S.C. 2871, et seq.) is repealed effective September 30, 1995, or the date on which all members of the Board are confirmed, whichever is earlier.

[(f) SAVINGS PROVISIONS.—

[(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

[(A) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this title; and

[(B) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director of the United States Information Agency or other authorized official, a court of competent jurisdiction, or by operation of law.

[(2) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings pending before the Board for International Broadcasting at the time this title takes effect, with respect to functions transferred by this title, but such proceedings shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the termination or modification of any such proceeding under the same terms and

conditions and to the same extent that such proceeding could have been terminated or modified if this title had not been enacted.

[(3) SUITS NOT AFFECTED.—The provisions of this title shall not affect suits commenced before the effective date of this title, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this title had not been enacted.

[(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Board for International Broadcasting or by or against any individual in the official capacity of such individual as an officer of the Board for International Broadcasting shall abate by reason of the enactment of this title.

[(5) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Board for International Broadcasting relating to a function transferred under this title may be continued by the United States Information Agency with the same effect as if this title had not been enacted.

[(6) REFERENCES.—A reference in any provision of law, reorganization plan, or other authority to the Associate Director for Broadcasting of the United States Information Agency shall be considered to be a reference to the Director of the International Broadcasting Bureau of the United States Information Agency.

[(7) EFFECT ON OTHER LAWS.—The provisions of, and authorities contained in or transferred pursuant to, this title are not intended to repeal, limit, or otherwise derogate from the authorities or functions of or available to the Director of the United States Information Agency or the Secretary of State under law, reorganization plan, or otherwise, unless such provision hereof—

[(A) specifically refers to the provision of law or authority existing on the effective date of this title, so affected; or

[(B) is in direct conflict with such law or authority existing on the effective date of this title.

[SEC. 311. PRESERVATION OF AMERICAN JOBS.

[(It is the sense of the Congress that the Director of the United States Information Agency and the Chairman of the Board for International Broadcasting should, in developing the plan for consolidation and reorganization of overseas international broadcasting services, limit, to the maximum extent feasible, consistent with the purposes of the consolidation, elimination of any United States-based positions and should affirmatively seek to transfer as many positions as possible to the United States.

[SEC. 312. PRIVATIZATION OF RADIO FREE EUROPE AND RADIO LIBERTY.

[(a) DECLARATION OF POLICY.—It is the sense of the Congress that, in furtherance of the objectives of section 302 of this Act, the funding of Radio Free Europe and Radio Liberty should be assumed by the private sector not later than December 31, 1999, and

that the funding of Radio Free Europe and Radio Liberty Research Institute should be assumed by the private sector at the earliest possible time.

[(b) PRESIDENTIAL SUBMISSION.—The President shall submit with his annual budget submission as provided for in section 307 an analysis and recommendations for achieving the objectives of subsection (a).

[(c) REPORTS ON TRANSFER OF RFE/RL RESEARCH INSTITUTE.—Not later than 120 days after the date of enactment of this Act, the Board for International Broadcasting, or the Board, if established, shall submit to the appropriate congressional committees a report on the steps being taken to transfer RFE/RL Research Institute pursuant to subsection (a) and shall provide periodic progress reports on such efforts until such transfer has been achieved.

[SEC. 313. REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS.

[(a) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS.—Notwithstanding any other provision of law, for the fiscal year 1994 and for each subsequent fiscal year, any funds appropriated for the purposes of broadcasting subject to the direction and supervision of the Board shall not be available for obligation or expenditure—

[(1) unless such funds are appropriated pursuant to an authorization of appropriations; or

[(2) in excess of the authorized level of appropriations.

[(b) SUBSEQUENT AUTHORIZATION.—The limitation under subsection (a) shall not apply to the extent that an authorization of appropriations is enacted after such funds are appropriated.

[(c) APPLICATION.—The provisions of this section—

[(1) may not be superseded, except by a provision of law which specifically repeals, modifies, or supersedes the provisions of this section; and

[(2) shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts which are authorized by law and administered under or pursuant to this title.

[SEC. 314. DEFINITIONS.

[(For the purposes of this title—

[(1) the term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives;

[(2) the term “RFE/RL, Incorporated” includes—

[(A) the corporation having the corporate title described in section 307(b)(3); and

[(B) any alternative grantee described in section 307(e); and

[(3) the term “salary or other compensation” includes any deferred compensation or pension payments, any payments for expenses for which the recipient is not obligated to itemize, and any payments for personnel services provided to an employee of RFE/RL, Incorporated.

[SEC. 315. TECHNICAL AND CONFORMING AMENDMENTS.]

[(a) VOICE OF AMERICA BROADCASTS.—Section 503 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1463) is repealed.

[(b) ISRAEL RELAY STATION.—Section 301(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, is repealed.

[(c) BOARD FOR INTERNATIONAL BROADCASTING ACT.—Section 4(a)(1) of the Board for International Broadcasting Act of 1973 is amended to read as follows:

[(“(1) to make grants to RFE/RL, Incorporated and, until September 30, 1995, to make grants to entities established in the privatization of certain functions of RFE/RL, Incorporated in order to carry out the purposes set forth in section 2 of this Act;”]

[(d) RELOCATION COSTS.—Notwithstanding any other provision of law, funds derived from the sale of real property assets of RFE/RL in Munich, Germany, may be retained, obligated, and expended to meet one-time costs associated with the consolidation of United States Government broadcasting activities in accordance with this title, including the costs of relocating RFE/RL offices and operations.]

**UNITED STATES INFORMATION AND EDUCATIONAL
EXCHANGE ACT OF 1948**

* * * * *

**TITLE V—DISSEMINATING INFORMATION ABOUT THE
UNITED STATES ABROAD**

GENERAL AUTHORIZATION

SEC. 501. (a) The Secretary and the **[Broadcasting Board of Governors]** *United States International Communications Agency* are authorized to use funds appropriated or otherwise made available for public diplomacy information programs to provide for the preparation, dissemination, and use of information intended for foreign audiences abroad about the United States, its people, and its policies, through press, publications, radio, motion pictures, the Internet, and other information media, including social media, and through information centers, instructors, and other direct or indirect means of communication.

(b) [(1) Except as provided in paragraph (2), the Secretary and the Broadcasting Board of Governors may, upon request and reimbursement of the reasonable costs incurred in fulfilling such a request, make available, in the United States, motion pictures, films, video, audio, and other materials disseminated abroad pursuant to this Act, the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.), or the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.). Any reimbursement pursuant to this paragraph shall be credited to the applicable appropriation account of the Department of State or the Broadcasting Board of Governors, as appropriate. The Secretary and the Broadcasting Board of Governors shall issue necessary regulations—

- [(A) to establish procedures to maintain such material;
- [(B) for reimbursement of the reasonable costs incurred in fulfilling requests for such material; and
- [(C) to ensure that the persons seeking release of such material have secured and paid for necessary United States rights and licenses.]

(1) *Except as provided in paragraph (2), the Secretary and the United States International Communications Agency may, upon request and reimbursement of the reasonable costs incurred in fulfilling such a request, make available, in the United States, motion pictures, films, video, audio, and other materials disseminated abroad pursuant to this Act. Any reimbursement pursuant to this paragraph shall be credited to the applicable appropriation account of the Department of State or the United States International Communications Agency, as appropriate. The Secretary and the United States International Communications Agency shall issue necessary regulations.*

(2) With respect to material disseminated abroad before the effective date of section 1078 of the National Defense Authorization Act for Fiscal Year 2013—

- (A) the Secretary and the [Broadcasting Board of Governors] *United States International Communications Agency* shall make available to the Archivist of the United States, for domestic distribution, motion pictures, films, videotapes, and other material 12 years after the initial dissemination of the material abroad; and

* * * * *

(3) The Archivist may undertake the functions described in paragraph (1) on behalf of and at the request of the Secretary or the [Broadcasting Board of Governors] *United States International Communications Agency*.

* * * * *

(c) Nothing in this section may be construed to require the Secretary or the [Broadcasting Board of Governors] *United States International Communications Agency* to make material disseminated abroad available in any format other than in the format disseminated abroad.

POLICIES GOVERNING INFORMATION ACTIVITIES

SEC. 502. In authorizing international information activities under this Act, it is the sense of the Congress (1) that the Secretary and the [Broadcasting Board of Governors] *United States International Communications Agency* shall reduce such Government information activities whenever corresponding private information dissemination is found to be adequate; (2) that nothing in this Act shall be construed to give the Department or the [Broadcasting Board of Governors] *United States International Communications Agency* a monopoly in the production or sponsorship on the air of short-wave broadcasting programs, or a monopoly in any other medium of information.

* * * * *

【VOICE OF AMERICA/EUROPE

【SEC. 504. As part of its duties and programs under title V of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461 et seq.), Voice of America/Europe shall—

【(1) target news and features in accordance with the findings and recommendations of the Young European Survey;

【(2) conduct periodic audience evaluations and measurements; and

【(3) promote and advertise Voice of America/Europe.

【USIA SATELLITE AND TELEVISION

【SEC. 505. (a) IN GENERAL.—The Broadcasting Board of Governors is authorized to lease or otherwise acquire time on commercial or United States Government satellites for the purpose of transmitting materials and programs to posts and other users abroad.

【(b) BROADCAST PRINCIPLES.—The Congress finds that the long-term interests of the United States are served by communicating directly with the peoples of the world by television. To be effective, the Broadcasting Board of Governors must win the attention and respect of viewers. These principles will therefore govern the television broadcasts of the United States International Television Service:

【(1) The United States International Television Service will serve as a consistently reliable and authoritative source of news. The United States International Television Service news will be accurate and objective.

【(2) The United States International Television Service will represent the United States, not any single segment of American society and will, therefore, present a balanced and comprehensive projection of significant American thought and institutions.

【(3) The United States International Television Service will present the policies of the United States clearly and effectively and will also present responsible discussions and opinion on these policies.

【(c) PROGRAMS.—The Broadcasting Board of Governors is authorized to produce, acquire, or broadcast television programs, via satellite, only if such programs—

【(1) are interactive, consisting of interviews among participants in different locales;

【(2) cover news, public affairs, or other current events;

【(3) cover official activities of government, Federal or State, including congressional proceedings and news briefings of any agency of the Executive branch; or

【(4) are of an artistic or scientific character or are otherwise representative of American culture.

【(d) COSTS.—When a comparable program produced by United States public or commercial broadcasters and producers is available at a cost which is equal to or less than the cost of production by the United States International Television Service, the Broadcasting Board of Governors shall use such materials in preference to the United States International Television Service produced materials.

[(e) ALLOCATION OF FUNDS.—(1) Of the funds authorized to be appropriated to the Broadcasting Board of Governors not more than \$12,000,000 for the fiscal year 1990 and not more than \$12,480,000 for the fiscal year 1991 may be obligated or expended for the United States International Television Service.

[(2) The Broadcasting Board of Governors shall prepare and submit to the Congress quarterly reports which contain a detailed explanation of expenditures for USIA-TV during the fiscal years 1990 and 1991. Such reports shall contain specific justification and supporting information pertaining to all programs, particularly those described in subsection (c)(4), that were produced in-house by USIA-TV. Each such report shall include a statement by the Broadcasting Board of Governors that, according to the best information available to the Broadcasting Board of Governors, no comparable United States commercially-produced or public television program is available at a cost which is equal to or less than the cost of production by USIA-TV.

[(3) Of the funds authorized to be appropriated to the Broadcasting Board of Governors, \$1,500,000 for the fiscal year 1990 and \$1,500,000 for the fiscal year 1991 shall be available only for the purchase or use of programs produced with grants from the Corporation for Public Broadcasting or produced by United States public broadcasters.]

VOICE OF AMERICA HIRING PRACTICES

SEC. [506.] 504. (a) * * *

* * * * *

(c) REPORT.—If the [Broadcasting Board of Governors] *United States International Communications Agency* determines that the prohibition under subsection (a) would require the termination of a specific Voice of America foreign language service, then, not less than 90 days before the [Board] *Agency* begins to recruit such candidates, the [Board] *Agency* shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning—

(1) * * *

* * * * *

TITLE VI—ADVISORY COMMISSIONS TO FORMULATE POLICIES

* * * * *

SEC. 604. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) * * *

* * * * *

(d) REPORTS.—

(1) COMPREHENSIVE ANNUAL REPORT.—

(A) IN GENERAL.—Not less frequently than annually, the Commission shall submit a comprehensive report on public diplomacy and international broadcasting activities to Congress, the President, and the Secretary of State. This report shall include—

(i) * * *

* * * * *

(iii) the international broadcasting activities under the direction of the [Broadcasting Board of Governors] *United States International Communications Agency*;

* * * * *

TITLE VIII—ADMINISTRATIVE PROCEDURES

THE SECRETARY

SEC. 801. In carrying out the purposes of this Act, the Secretary is authorized, in addition to and not in limitation of the authority otherwise vested in him—

(1) * * *

* * * * *

(3) whenever necessary in carrying out title V of this Act, to purchase, rent, construct, improve, maintain, and operate facilities for radio and television transmission and reception, including the leasing of associated real property (either within or outside the United States) for periods not to exceed forty years, or for longer periods if provided for by an appropriation Act, and the alteration, improvement, and repair of such property, without regard to section 322 of the Act of June 30, 1932 (40 U.S.C. 278a), and any such real property or interests therein which are outside the United States may be acquired without regard to section 355 of the Revised Statutes of the United States (40 U.S.C. 255) if the sufficiency of the title to such real property or interests therein is approved by the [Director of the United States Information Agency] *Chief Executive Officer of the United States International Communications Agency*;

* * * * *

GOVERNMENT AGENCIES

SEC. 802. (a) * * *

(b)(1) Any contract authorized by subsection (a) and described in paragraph (3) of this subsection which is funded on the basis of annual appropriations may nevertheless be made for periods not in excess of 5 years when—

(A) * * *

(B) the [Director of the United States Information Agency] *Chief Executive Officer of the United States International Communications Agency* determines that—

(i) * * *

* * * * *

(4)(A) Notwithstanding the other provisions of this subsection, the [Broadcasting Board of Governors] *United States International Communications Agency* is authorized to enter into contracts for periods not to exceed 7 years for circuit capacity to distribute radio and television programs and is authorized to enter into contracts

for periods not to exceed ten years to acquire local broadcasting services outside the United States.

* * * * *

BASIC AUTHORITY

SEC. 804. In carrying out the provisions of this Act, the Secretary, or any Government agency authorized to administer such provisions, may—

(1) employ, without regard to the civil service and classification laws, aliens within the United States and abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages or the preparation and production of foreign language programs when suitably qualified United States citizens are not available when job vacancies occur, and aliens so employed abroad may be admitted to the United States, if otherwise qualified, as non-immigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) for such time and under such conditions and procedures as may be established by the **【Director of the United States Information Agency】** *Chief Executive Officer of the United States International Communications Agency* and the Attorney General;

* * * * *

USE OF ENGLISH-TEACHING PROGRAM FEES

SEC. 810. (a) * * *

(b) FEES AND RECEIPTS DESCRIBED.—The fees and receipts described in this subsection are fees and payments received by or for the use of the **【United States Information Agency】** *United States International Communications Agency* from or in connection with—

(1) * * *

* * * * *

(4) advertising and business ventures of the Voice of America and the **【International Broadcasting Bureau】** *United States International Communications Agency*,

* * * * *

TITLE X—MISCELLANEOUS

* * * * *

INFORMATIONAL MEDIA GUARANTIES

SEC. 1011. (a) The **【Director of the United States Information Agency】** *Chief Executive Officer of the United States Information Agency* may make guaranties, in accordance with the provisions of subsection (b) of section 413 of the Mutual Security Act of 1954, of investments in enterprises producing or distributing informational media consistent with the national interests of the United States: *Provided*, That the purpose of making informational media guaranties shall be the achievement of the foreign policy objectives of the United States, including the objective mentioned in sections

413(b)(4)(A) and 413(b)(4)(G) of the Mutual Security Act of 1954, as amended.

* * * * *

